

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF SAN DIEGO
3 -----
4 Coordination Proceeding)
5 Special Title (Rule 1550(b)) No. JCCP NO. 4042
6 In Re Tobacco Cases II)
7 -----
8 The People of the State of)
9 California, et al., v. Brown)
10 & Williamson Tobacco Corp.,)
11 et al. (SF No. 996781),)
12 And)
13 People of the State of)
14 California, et al., v. Philip)
15 Morris Inc., et al. (LA No.)
16 BC 194217)) (Pages 1-190)
17 -----
18
19 DEPOSITION OF:
20 INGRID LAMIRAULT
21 AUGUST 11, 2000
22 10:10 A.M.
23
24 REPORTED BY:
25 DONNIE A. STICKLEY
26 C.S.R. 9510, R.P.R., R.M.R.
27
28

1 DEPOSITION OF INGRID LAMIRAULT, A WITNESS, TAKEN ON
2 BEHALF OF THE DEFENDANTS ON FRIDAY, AUGUST 11, 2000,
3 COMMENCING AT 10:10 A.M. AT 515 SOUTH FIGUEROA
4 STREET, SEVENTH FLOOR, LOS ANGELES, CALIFORNIA,
5 BEFORE DONNIE A. STICKLEY, C.S.R. NO. 9510, R.P.R.,
6 R.M.R. PURSUANT TO SUBPOENA.

7

8 APPEARANCES OF COUNSEL:

9

10

11 FOR THE DEFENDANTS LORILLARD TOBACCO COMPANY,
12 PHILIP MORRIS INCORPORATED, R.J. REYNOLDS
13 TOBACCO COMPANY AND BROWN & WILLIAMSON TOBACCO
14 CORPORATION:

15

16 HOWARD RICE NEMEROVSKI CANADY FALK & RABKIN

17 BY: JESSICA T. MARTIN, ESQ.

18 GREGORE J. SAMBOR, ESQ.

19 THREE EMBARCADERO CENTER

20 SEVENTH FLOOR

21 SAN FRANCISCO, CALIFORNIA 94111-4065

22 415.434.1600

23

24

25

26

27

28

1 FURTHER APPEARANCES OF COUNSEL:

2

3 FOR THE DEFENDANT LIGGETT-MYERS:

4

5 POST KIRBY NOONAN & SWEAT, LLP

6 BY: STEVEN T. COOPERSMITH, ESQ.

7 AMERICA PLAZA, SUITE 1100

8 700 WEST BROADWAY

9 SAN DIEGO, CALIFORNIA 92101-3302

10 619.231.8666

11

12 FOR THE WITNESS:

13

14 OFFICE OF THE COUNTY COUNSEL, COUNTY OF

15 LOS ANGELES

16 BY: ROBERT E. RAGLAND, ESQ.

17 ROSEMARIE BELDA, ESQ.

18 500 WEST TEMPLE STREET

19 LOS ANGELES, CALIFORNIA 90012

20 213.974.1927

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1 I N D E X

2

3 WITNESS

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5 INGRID LAMIRAULT

6

7 EXAMINATION PAGE

8

9 BY MS. MARTIN 12

10

11

12

13 EXHIBITS

14

15 NO. PAGE DESCRIPTION

16

17 613 13 Eight-page pleading entitled
18 Defendants' Notice of Taking Deposition
19 of the Person Most Knowledgeable at the
20 Los Angeles County Health Department
21 Tobacco Control Project and Request for
22 Production of Documents
23 (No production numbers)

24 614 25 36-page document entitled Tobacco
25 Education Resource Directory

26 (No production numbers)

27

28

4

1 EXHIBITS (CONTINUED):

2

3 NO. PAGE DESCRIPTION

4

5 615 59 One-page document entitled County of

6 Los Angeles - Department of Health

7 Services Public Health Programs &

8 Services

9 Planning & Policy Development

10 (Production Nos. LAC018813)

11 616 86 270-page document entitled Tobacco

12 Control Services Agreement Amendment

13 No. 1

14 (Production Nos. LAC019012

15 to LAC019281)

16 636 114 19-page document entitled Analysis of

17 Community-Based Outreach and Education

18 Cumulative Report by Form Number from

19 1/1/97 to 6/30/98

20 (Production Nos. DHS00019403

21 to DHS00019421)

22 637 121 Five-page document entitled The Tobacco

23 Education Clearinghouse of California

24 Helping You to Clear the Air

25 (Production Nos. DHS000703
26 to DHS000707)
27
28

5

1 EXHIBITS (CONTINUED):
2
3 NO. PAGE DESCRIPTION
4
5 638 123 59-page document entitled 1999
6 Spring/Summer Catalog of Tobacco
7 Education Materials
8 (Production Nos. DHS001671
9 to DHS001729)
10 639 137 Two-page document entitled Assembly
11 Bill 13: California's Law for a
12 Smokefree Workplace
13 (No production numbers)
14 640 137 11-page document entitled Senales de
15 Humo with attachments in the Spanish
16 language
17 (No Production numbers)
18 641 138 15-page document entitled Please Don't
19 Smoke in My House in a language other
20 than English
21 (No Production numbers)
22 642 140 268-page document entitled California

23 Department of Health Services Tobacco
24 Control Section Local Lead Agency
25 Progress Report
26 (Production Nos. DHS00018949
27 to DHS00019216)
28

6

1 EXHIBITS (CONTINUED):
2
3 NO. PAGE DESCRIPTION
4
5 643 178 30-page document, the first page of
6 which is a letter from Ingrid Lamirault
7 to Cynthia Morrison, dated 01/31/95,
8 with attached Los Angeles County Public
9 Health Programs and Services Planning
10 and Policy Development report for
11 07/01/94 to 12/31/94
12 (Production Nos. DHS00020133
13 to DHS00020162)
14 644 179 78-page document, the first page of
15 which is a letter from Ingrid Lamirault
16 to Nancy Bagnato, dated 01/31/95,
17 with attached Los Angeles County Public
18 Health Programs and Services Planning
19 and Policy Development report for
20 01/01/95 to 06/30/95
21 (Production Nos. DHS00020055

22 to DHS00020132)

23

24

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7

1 EXHIBITS (CONTINUED):

2

3 NO. PAGE DESCRIPTION

4

5 645 179 278-page document, the first page of

6 which is a cover sheet from California

7 Department of Health Services Tobacco

8 Control Section with the Local Lead

9 Progress Report attached for the Los

10 Angeles County Planning and Policy

11 Development

12 (Production Nos. DHS00020882 to

13 DHS00020888 and DHS00020189 to

14 DHS00020459 to DHS00020162)

15 646 180 422-page, the first page of

16 which is a cover sheet from California

17 Department of Health Services Tobacco

18 Control Section with the Local Lead

19 Progress Report attached for the Los

20 Angeles County Planning and Policy
21 Development
22 (Production Nos. DHS00020460
23 to DHS00020881)
24
25
26
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1 EXHIBITS (CONTINUED):
2
3 NO. PAGE DESCRIPTION
4
5 647 180 78-page, the first page of
6 which is a cover sheet from California
7 Department of Health Services Tobacco
8 Control Section with the Local Lead
9 Progress Report attached for the Los
10 Angeles County Planning and Policy
11 Development for the period 07/01/96 to
12 06/30/98
13 (Production Nos. DHS00018870
14 to DHS00018948)
15 648 181 225--page document, the first page of
16 which is a letter from Ingrid Lamirault
17 to April Roesler, dated 05/28/98
18 with attached Los Angeles County Public

19 Health Programs and Services Planning
20 and Policy Development report for
21 07/01/97 to 12/31/97
22 (Production Nos. DHS00019465
23 to DHS00019690)
24
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1 EXHIBITS (CONTINUED):
2
3 NO. PAGE DESCRIPTION
4
5 649 181 118-page, the first page of
6 which is a Progress Report cover sheet
7 from California Department of Health
8 Services Tobacco Control Section with
9 the Local Lead Agency Progress Report
10 attached for the Los Angeles County
11 Planning and Policy Development for the
12 period 07/01/98 to 12/31/98
13 (Production Nos. DHS00019217
14 to DHS00019334)
15 650 182 776-page document, the first page of
16 which is a letter from Cynthia Harding

17 to Diane Hightree, dated 07/31/99, with
18 attached Progress Report - Contract
19 Number 89-97908 from California
20 Department of Health Services Tobacco
21 Control Section with the Local Lead
22 Agency Progress Report for the
23 Los Angeles County for the
24 period 07/01/98 to 12/31/98
25 (Production Nos. DHS00017324 to
26 DHS00017024 and DHS00019879
27 to DHS00020054)
28

10

1 EXHIBITS (CONTINUED):

2

3 NO. PAGE DESCRIPTION

4

5 651 184 30-page document described as TEROC
6 master plan, the first page of which
7 states Toward A Tobacco Free California
8 with varying DHS production numbers

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1 INGRID LAMIRAULT,
2 having been first duly sworn, testified as follows:

3

4 EXAMINATION

5

6 BY MS. MARTIN:

7 Q. Let me reintroduce myself, now that we are
8 back on the record.

9 I am Jessica Martin representing R.J.

10:11:02 10 Reynolds Tobacco Company in this action.

11 Could you please state your full name and
12 spell it.

13 A. Ingrid Lamirault: I-N-G-R-I-D,

14 L-A-M-I-R-A-U-L-T.

10:11:16 15 Q. Please state your residence.

16 A. It's [DELETED]

17 Q. You live [DELETED]

18 Could you state your residence address for
19 the record, please.

10:11:28 20 A. [DELETED]

21 Q. Could you spell the street name?

22 A. [DELETED]

23 Q. Okay. Would you also state for the record
24 your business address, current.

10:11:42 25 A. 510 South Vermont, Suite 210, Los Angeles,
26 90170.

27 Q. And are you appearing today as the person
28 most knowledgeable to testify on behalf of the Los

12

1 Angeles County Health Department Tobacco Control
2 Project?

3 A. Yes.

4 Q. And you are here pursuant to a subpoena?

10:12:00 5 A. Yes.

6 Q. Have you seen the subpoena?

7 A. Yes.

8 MS. MARTIN: Let me have this marked as the
9 next in order, please.

10 (Deposition Exhibit No. 613 was marked
11 for identification and is bound separately.)

12 BY MS. MARTIN:

13 Q. Is Exhibit 613 the subpoena you earlier
14 reviewed?

10:12:22 15 A. Yes.

16 Q. We won't go through it now, but if you need
17 to look at it, I will leave it right here. It's
18 available to you.

19 Have you had your deposition taken before?

10:12:32 20 A. Yes.

21 Q. How many times?

22 A. Once.

23 Q. When was that?

24 A. Perhaps 10 years ago.

10:12:44 25 Q. Okay. What type of case was it?

26 A. Car accident.

27 Q. Okay. Because that was some time ago, I
28 will use the opportunity to go over some basic

13

1 procedures of the deposition.

2 First of all, obviously, I will be asking
3 the questions and you will be answering them to the
4 extent that you can provide responsive answers.

10:13:10 5 The court reporter is here to take my
6 questions and your responses word for word.

7 You understand that?

8 A. Uh-huh.

9 Q. You understand that the deposition is under
10:13:20 10 oath?

11 A. Uh-huh. Yes.
12 Q. Actually --
13 MR. RAGLAND: Has she been sworn?
14 MS. MARTIN: Yes, she has been sworn.
10:13:32 15 MR. RAGLAND: That's right. I forgot.
16 BY MS. MARTIN:
17 Q. Because the court reporter has to take down
18 the words that we speak, you will need to be sure to
19 answer with words rather than nodding.
10:13:40 20 A. Yes.
21 Q. Okay.
22 If you have any trouble understanding what
23 I'm saying or hearing my questions, please indicate
24 that to me. And I will either rephrase the question
10:13:54 25 or perhaps have it read back.
26 Okay?
27 A. Okay.
28 Q. Now, we are here to find out from you

14

1 information about the Tobacco Control activities of
2 the Los Angeles Department of Health Services.
3 You understand that?
4 A. Yes.
10:14:16 5 Q. I may be asking you to describe the
6 activities that perhaps you were not personally
7 involved with but basically you are aware of by
8 virtue of your position or your responsibilities.
9 A. Okay.

10:14:42 10 Q. As you know, this deposition will generate
11 a written transcript. And the answers you give
12 today, that appear on the transcript, are the ones
13 that we may or may not use in the eventual trial in
14 this action.

10:15:00 15 If for any reason you testify at the trial
16 in this action and you give an answer at trial that
17 is different than the answer in the transcript of
18 this deposition, you understand that the attorneys
19 can then comment upon that difference at the trial?

10:15:16 20 A. Okay.

21 Q. Okay. Now, I will try to take a break
22 about once an hour. If you need a break, or if
23 there is any other reason why you can't give me a
24 full and accurate response to a question, go ahead
10:15:32 25 and indicate that to me. I will do my best to
26 accommodate that.

27 Okay?

28 A. Yes.

15

1 Q. Also, because the court reporter has to
2 take down the words, in general let's try not to
3 talk over each other. So try to wait until I finish
4 a question before you begin an answer.

10:15:54 5 Okay?

6 A. Okay.

7 Q. And I will try not to interrupt you as you

8 give your answer.

9 All right. Any questions about the

10:16:04 10 process?

11 A. No.

12 Q. And also, just so you know, at some point

13 today, of course, we will be breaking for lunch,

14 probably around 12:00 or 12:30 or so, depending on

10:16:18 15 how it is going.

16 A. Okay.

17 Q. I understand there is a cafeteria

18 downstairs; we may just order stuff up here,

19 whatever. We can talk about that at the break.

10:16:30 20 All right. Would you tell me where you are

21 currently employed?

22 A. Los Angeles County Department of Health

23 Services.

24 Q. And how long have you been employed at the

10:16:42 25 Los Angeles County Department of Health Services?

26 A. 18 years.

27 Q. What's your current title?

28 A. Director of Planning.

16

1 Q. Is that it, Director of Planning, not of --

2 A. In the Department of Health Services.

3 Q. How long have you held that title?

4 A. Two years.

10:17:10 5 Q. What are your responsibilities as Director

6 of Planning?

7 A. I am responsible for planning the health
8 care services in hospitals and other health care
9 facilities; responsible for planning public health
10:17:26 10 programs delivery in the community or in our
11 facility.
12 Q. Anything else?
13 A. That's it; pretty broad.
14 Q. Yes, it is. Let's break that down a little
15 bit.
16 When you say planning health care services,
17 would you describe what you mean by that?
18 A. Deciding the type of services and volume of
19 services that should be provided in each different
10:17:54 20 facility. So primary care facilities,
21 professional health care services; dental care. We
22 plan for those services as administrator for the
23 stakeholders in the community. And then that
24 information gets rolled up into budget documents to
10:18:08 25 get approved by the Board of Supervisors before
26 services begin.
27 Q. Okay. When you say facilities, what do you
28 mean by that?

17

1 A. Hospitals, health centers.
2 Q. And these are all hospitals within the Los
3 Angeles County?
4 A. Los Angeles County public hospitals, yes.

10:18:26 5 Q. Oh, Los Angeles public hospitals.

6 And what health centers?

7 A. All health centers within Los Angeles

8 County, which is about 30 health centers. We

9 contract out with about 80 community clinics that

10:18:44 10 provide health services as well.

11 Q. And then when you say planning public

12 health programs, could you explain what you mean by

13 that?

14 A. Deciding, making recommendations about what

10:19:02 15 health education or health promotion or services

16 needs to be provided in the community or to

17 individual patients. So it could be smoking

18 cessation; could be exercise or nutrition programs.

19 Q. Now, does your position entail your being

10:19:24 20 involved with the Tobacco Control Program of the Los

21 Angeles County Department of Health Services?

22 A. Yes. I have to know what services they are

23 providing there. Peripherally, I am involved. But

24 from 1990 to 1998, I was Director of the Tobacco

25 Control Program.

26 Q. Okay. And we will definitely be talking

27 about that in a moment.

28 What is it that, how is it that you become

18

1 aware of what they are doing in your current

2 position?

3 A. As they plan for new programs and services,

4 we are kept informed of what they are doing as they
10:20:02 5 are working with major stakeholders, such as the
6 American Cancer Society, the American Lung
7 Association and community-based organizations. We
8 are aware of what those groups are, deciding what
9 their needs and priorities are.

10:20:12 10 Q. Did you say major stakeholders?

11 A. Stakeholders. That's a term we use,
12 advocate stakeholders.

13 Q. Can you describe for me what stakeholders
14 mean?

10:20:22 15 A. Those individuals in the community who are
16 individuals interested in health issues, et cetera,
17 essentially.

18 Q. And in this case it would be interests in
19 the Tobacco Control issues?

10:20:30 20 A. Yes.

21 Q. Do you have any approval role over what the
22 Tobacco Control Program does?

23 A. No, not in my current position.

24 Q. So it is more of what you would consider as

10:20:42 25 more of a monitoring role?

26 A. Yes.

27 Q. Do you have --

28 A. More it's, I am aware of what they are

2 coordinate the planning of Tobacco Controls, doing
3 it together with the planning of the alcohol and
4 drug program with what the other public health
10:20:56 5 programs are doing.

6 So it is more of a coordinating and
7 planning role, not approval.

8 Q. Okay. How often are you made aware of what
9 the Tobacco Control Program is doing?

10:21:12 10 A. Once a quarter.

11 Q. Once a quarter.

12 And in what format are you --

13 A. Usually written reports.

14 Q. Written reports?

10:21:20 15 A. Yes.

16 Q. Are these written reports called anything?

17 A. Progress reports. They are provided to the
18 Board of Supervisors.

19 Q. Okay. How long have these progress reports
10:21:42 20 been created within your department?

21 A. Probably the last couple of years, two
22 years.

23 Q. So before your current position, what was
24 your position at the Los Angeles County Department
25 of Health Services?

26 A. Director of the Tobacco Control Program.

27 Q. And for how long did you hold that
28 position?

1 A. Eight years.

2 Q. Where were you employed before that?

3 A. Los Angeles County Department of Health

4 Services.

10:22:26 5 Q. And what was your position?

6 A. I was Director of Planning for the AIDS

7 programs.

8 Q. Did you work at the County before that

9 position, or was that your first position with the

10:22:40 10 county?

11 A. Well, I have only worked for Los Angeles

12 County Health Services; no other organization.

13 Q. Okay. Did you have, before you were the

14 Director of AIDS services, what was your

10:22:54 15 title/position?

16 A. I was a planner for public health programs.

17 Q. And what did you do as a planner?

18 A. Oh, I worked with managers and public

19 health managers to help them decide what needs and

10:23:10 20 priorities we would need for budgeting and program

21 design.

22 Q. Let me just ask you this:

23 Before you took the position of Director of

24 the Tobacco Control Program, were you involved in

10:23:24 25 any Tobacco Control --

26 A. No.

27 Q. -- Projects --

28 A. No.

1 Q. -- within that department?

2 Could you tell me, what about your

3 education, background or training background helped

4 you to prepare for the Tobacco Control

10:23:46 5 responsibilities that you have had with the

6 department?

7 A. I have a master's in Public Health, UCLA

8 School of Public Health. And as part of the

9 training, we learn basic public health principles.

10:24:02 10 We learn how to design effective public health

11 programs; how to do research that is needed to do

12 that.

13 We learned how to understand statistics and

14 other data so that we know how to develop programs.

10:24:16 15 Q. In your course work for your master's in

16 public health, did you study tobacco control

17 policies?

18 A. No.

19 Q. Have you had any special training, outside

10:24:32 20 of the course work related to your master's, in

21 Tobacco Control activities?

22 A. In various training seminars at the

23 California State Department of Health Service in its

24 Tobacco Control programs during the course of eight

10:24:46 25 years.

26 But other than that, no.

27 Q. Did those seminars touch upon secondhand

28 smoke issues?

1 A. Yes.

2 Q. And environmental, otherwise known as

3 environmental tobacco smoke issues?

4 A. Yes.

10:25:04 5 Q. You understand if I use the term ETS?

6 A. I know what it is.

7 Q. Environmental tobacco smoke?

8 A. Yes.

9 Q. When you began at the Tobacco Control

10:25:32 10 project of the County Health Department, did you

11 start off as director?

12 A. Yes.

13 Q. And do you refer to the program as the

14 Tobacco Control Program?

10:25:42 15 A. Yes.

16 Q. And have you always referred to it as that?

17 A. I don't -- I believe so. I mean in the

18 first couple of months before the program got off

19 the ground, we may have referred to it as another

10:26:00 20 name, but I don't remember exactly what.

21 Q. Okay. But you understand, if I use Tobacco

22 Control Program, it's basically the program that

23 your department administers pursuant to the Prop 99

24 funds and the mandates from the State Department of

25 Health Services?

26 A. Yes.

27 Q. As Director of the Tobacco Control Program,

28 what were your basic responsibilities?

1 A. For planning and implementing programs that
2 would lead to reduction of tobacco use in Los
3 Angeles County. It would be reduction to exposure
4 to ETS in the county; day-to-day responsibilities,
10:26:46 5 including budgeting, supervising staff,
6 re-evaluating programs.

7 Q. What else?

8 A. Responsibility -- we were responsible for
9 developing what the program should be implementing,
10:27:08 10 contracting with community-based organizations, with
11 advertising PR firms, so that they could do work;
12 you know, multifaceted kinds of tasks to inform the
13 public about the hazards of tobacco smoking, ETS.

14 Q. When you say inform the public about the
10:27:30 15 hazards associated with ETS, were there specific
16 target populations that were the subject of some of
17 these efforts?

18 A. Yes.

19 Q. What were those?

10:27:44 20 A. Parents of young children, African
21 Americans; minority groups were the primary targets.

22 Q. What about youth?

23 A. Yes. I mean we were the main, when we
24 talked to teens or youth, the main issue was about
10:28:06 25 not taking up smoking. But if they were children of
26 a family, we were targeting the entire family, which
27 were the parents and children and targeting

28 teenagers if there were teenagers in the family, so

24

1 they would understand the hazards of ETS.

2 Q. So let me make sure I have got this right.

3 In fact I think this will make it a little
4 bit easier.

10:28:28 5 You know what Tobacco Education
6 Clearinghouse is?

7 A. Yes.

8 Q. What is it?

9 A. It's an agency in Northern California that
10:28:38 10 was funded by the State to research and find the
11 best publications and pamphlets and other things to
12 help educate people.

13 Q. And you are aware of a publication they put
14 out called the Resource Directory?

10:28:50 15 A. Yes.

16 Q. Okay. And you have seen the Resource
17 Directory?

18 A. Yes.

19 Q. You have received them in the normal course
10:29:00 20 of your responsibilities?

21 A. Yes.

22 MS. MARTIN: Let me have marked next in
23 order.

24 (Deposition Exhibit No. 614 was marked
10:29:16 25 for identification and is bound separately.)

26 BY MS. MARTIN:

27 Q. Do you recognize this as a Table of

28 Contents for a Tobacco Education Resource Directory?

25

1 A. Yes.

2 Q. Let's turn to the second page of the

3 directory.

4 On the left side at the top, it says

10:29:38 5 Directory Use Guide (Continued), in parentheses.

6 And it mentions that there is an index of

7 agencies at the back of the resource guide.

8 A. Yes.

9 Q. Do you see that?

10 A. Yes.

11 Q. Okay.

12 And the index is organized by target

13 audience?

14 A. Yes.

10:30:02 15 Q. Okay. Do you know what? Let's hold off on

16 that for a moment. I am going to get back to that.

17 Let's turn to the next page.

18 MR. COOPERSMITH: I am sorry. Do you have

19 extra copies of that?

10:30:14 20 MS. MARTIN: Yes, I do.

21 BY MS. MARTIN:

22 Q. What is a local lead agency?

23 A. That is the State of California health

24 departments who administer the Tobacco Control

10:30:26 25 programs.

26 Q. So the L.A. County Health Department's
27 Tobacco Control Program could also be referred to as
28 a local lead agency?

26

1 A. Yes.

2 Q. Okay. Would you please take a look at the
3 left side of the page in front of you.

4 At the top, it is entitled California

10:30:46 5 Tobacco Control Program: An Overview, and then in
6 parenthesis the word (Continued).

7 And would you please just read into the
8 record the first paragraph and the second
9 paragraph.

10:31:00 10 A. "A local lead agency program which
11 supports --"

12 Q. I'm sorry. The very first one.

13 A. The first?

14 Q. Yes.

10:31:04 15 A. "The Department of Health Services
16 established the Tobacco Control
17 Section (TCS) in its Chronic Diseases
18 Control Branch. TCS has implemented
19 four programs supported by

10:31:16 20 appropriations from the Health
21 Education Account of the Cigarette
22 and Tobacco Products Surtax Fund.

23 These are:

24 "A local lead agency program which

10:31:24 25 supports and provides guidance for

26 locally planned community-based

27 tobacco-use prevention efforts in all

28 61 of the California's County and City

27

1 health departments. These local lead

2 agencies are responsible for coalition

3 development with broad community

4 participation, preventive health

10:31:40 5 education against tobacco use,

6 information, for referral and outreach

7 services, technical assistance to local

8 programs, and coordination with county

9 service providers, government agencies,

10:31:52 10 and the County Office of Education."

11 Q. Thank you.

12 Let's break down that paragraph a little

13 bit.

14 You mentioned earlier that the Tobacco

10:32:08 15 Control Program has priority areas. Actually, you

16 might not have mentioned it.

17 Does the state set priority program areas

18 for Tobacco Control Program?

19 A. Yes.

10:32:18 20 Q. How many areas are there?

21 A. I would call -- there were three.

22 Q. And what were they or what are they?
23 A. Oh. I don't remember exactly.
24 Q. Is reducing exposure to ETS one of them?
10:32:32 25 A. Yes.
26 Q. And to counter pro-tobacco influences?
27 A. Yes.
28 Q. And reducing youth access?

28

1 A. Yes.
2 Q. Are those the three --
3 A. Yes.
4 Q. -- you have in mind? Okay.
10:32:46 5 Now looking at the first paragraph that
6 begins "A local lead agency," this is at page X of
7 the directory.
8 You mentioned, as you read into the record,
9 that the local lead agencies are responsible for
10:33:02 10 coalition development with broad community
11 participation.
12 It's your -- does your department engage in
13 that activity?
14 A. Yeah, we have a coalition.
10:33:12 15 Q. And did your coalition development involve
16 broad community participation?
17 A. Yes.
18 Q. Did your agency engage in preventive health
19 education against tobacco use?

10:33:22 20 A. Yes.

21 Q. Did it engage in information referral and

22 outreach services?

23 A. Yes.

24 Q. Did it engage in technical assistance to

10:33:32 25 local programs?

26 A. Yes.

27 Q. Did it engage in coordination with county

28 service providers?

29

1 A. Yes.

2 Q. I'm sorry. I think that's coordination

3 with county service providers, government agencies

4 and the County Office of Education?

10:33:46 5 A. Yes, we did.

6 Q. You did all those things.

7 I am going to just -- well, let's move to

8 the second paragraph, a competitive grants program.

9 This is described as one of the four

10:34:12 10 programs implemented by the State Tobacco Control

11 Section, correct?

12 A. Yes.

13 Q. Were you involved in the competitive grants

14 program, your department?

10:34:22 15 A. We were not involved in the state's

16 competitive grants program but we held our own

17 competitive grants program.

18 Q. Would you tell me what that is.

19 A. Well, in order to do the preventive health
10:34:36 20 education against tobacco use in the outreach
21 services, as described in the first paragraph, we
22 gave competitive grants to community-based
23 organizations within the county.

24 Q. What are community-based organizations?

10:34:54 25 A. Usually non-profit entities who have
26 community health, community health or -- whose
27 mission involves helping people who don't have
28 access to health care services or health care

30

1 programs, and so basically help the community
2 improve its health. That's the core of their
3 mission.

4 Q. Are these community-based organizations
10:35:20 5 also known as CBOs?

6 A. Yes.

7 Q. Do they target specific target populations
8 or audiences?

9 A. Usually targeting was, part of targeting
10:35:32 10 specific populations was part of the competitive
11 grants, because they contacted them; that's what you
12 do. So that's what they did with the money that we
13 gave them.

14 Q. Okay. And were those target populations
10:35:48 15 targeted by ethnicity or age? Or could you describe
16 some of them?

17 A. It was all of the above, I mean depending
18 on what we saw as the special need and priority at
19 the time. And it coincided with the CBOs'
10:36:04 20 particular expertise, their own experience with that
21 target population.

22 Q. Okay. We will talk more about target
23 populations in a moment.

24 Looking to the third paragraph:

10:36:14 25 "An anti-tobacco media campaign that
26 utilizes paid advertising designed to
27 achieve the maximum impact on the
28 program's targeted population, especially

31

1 youth, women and ethnic and low-income
2 populations."

3 Did your, or does your program engage in
4 activities that are consistent with this third
10:36:42 5 program?

6 A. I think this directory is describing this
7 state's effort.

8 But, yes, with the Prop 99 money we
9 received, we had elements like this as well and we
10:36:54 10 used that to fullfil the responsibilities of doing
11 education and outreach.

12 Q. We will talk a little bit about the media
13 campaign in a moment.

14 And then, finally, looking at the fourth
10:37:06 15 paragraph on the next page:

16 "A data analysis and evaluation
17 program which monitors the
18 implementation of the program,
19 measures its overall effectiveness
10:37:16 20 and the relative effectiveness of
21 the various intervention strategies,
22 and provides insight for modifying
23 and improving the program."
24 Did I read that correctly?
10:37:24 25 A. Yes.
26 Q. Okay. And let me just finish after that:
27 "The evaluation includes
28 monitoring program processes and

32

1 (by number of clients served,
2 number of educational events,
3 number of media and policy,
4 initiatives, et cetera) as well
10:37:46 5 as program outcomes (state-wide
6 prevalence of tobacco use by sex,
7 ethnicity, and region, and
8 state-wide consumption data."
9 Did your program assist the state in
10:38:00 10 collecting data and evaluating information as
11 described in this paragraph?
12 A. Yes.
13 Q. How did you do that?

14 A. The results of our program are that we had
10:38:16 15 to report regularly data to the state to summarize
16 the efforts of what we did. And it was incorporated
17 in their evaluation program.

18 Q. How would you get that data?

19 A. As the CBOs went on and did their work,
10:38:30 20 they had to report to us the number of people
21 interacted with; describe the type of program; give
22 us some outcome data based on that interaction they
23 had in doing their program.

24 Also, we did some special studies ourselves
10:38:46 25 that we could measure change in terms of tobacco
26 prevalence or ETS use.

27 Q. What form would the CBOs data come back to
28 you in?

33

1 A. They were forms that they had to fill out.
2 And then they came into our office for data input.

3 Q. What information was on the forms?

4 A. Democratic -- demographic profile of people
10:39:10 5 that they encounter; whether or not they were
6 tobacco users; whether or not they were exposed to
7 tobacco; whether they smoked in their homes. Pre
8 and post tests administered to people that they
9 interacted with so they could tell whether there was
10:39:28 10 an increase in the level of knowledge that was
11 gained after an intervention.

12 Q. Okay. When you say demographic, do you

13 mean information that included age?

14 A. Yes.

10:39:42 15 Q. And ethnicity?

16 A. Yes.

17 Q. And language spoken?

18 A. I don't recall that.

19 Q. And when you say, I think you --

10:39:56 20 Well, would the information include beliefs

21 about, for example, health effects as to ETS?

22 A. As much as we could. We tried to measure
23 knowledge and beliefs used in ETS.

24 Q. You mentioned that in addition to the
10:40:14 25 information you received from CBOs, your department
26 would also engage in special studies?

27 A. Yes.

28 Q. Could you describe those for me?

34

1 A. I don't recall a specific one. But if we
2 thought that we -- sometimes we would administer a
3 population-based survey, so that we could see at a
4 given point in time how many people were users in
10:40:44 5 general; how many people were tobacco users; how
6 many people were exposed to ETS. And the survey had
7 message's physical power that would generalize the
8 children population.

9 But that's an example of the special study.

10:40:56 10 Q. How many of these studies did the --

11 A. Maybe two or three.

12 Q. Did you engage outside help in conducting

13 the study or creating the study?

14 A. Yes.

10:41:06 15 Q. Who helped you with that?

16 A. The ones we contracted were with the

17 University of California San Diego.

18 Q. Who was your contact there, do you

19 remember?

10:41:16 20 A. John Pierce.

21 Q. Could you spell Pierce?

22 A. P-I-E-R-C-E.

23 Q. Okay.

24 A. We may have contracted with other

10:41:28 25 universities. I just don't recall.

26 Q. When did you contract with Dr. Pierce?

27 A. I don't remember the exact year.

28 Q. If you will turn to, towards the end of

35

1 Exhibit 614 there, is the index that we had

2 mentioned earlier, the index by target population.

3 Is that page 327?

4 Is that where it begins?

10:42:24 5 Is that the index to target population?

6 A. Yes.

7 Q. Looking at the top of 327, what is the

8 target population there?

9 A. Adults.

10:42:34 10 Q. Looking at the agencies listed under adults
11 as the target population, can you tell me what you
12 recognize as being agencies that your department
13 worked with?

14 You can take your time.

10:42:54 15 A. Do you want me to start up at the top and
16 start reading it?

17 Q. Yes.

18 A. ADAPT Programs, which is Adult and Drug
19 Abuse Prevention Task Force; Chinatown Service
10:43:16 20 Center; East Los Angeles Health Task Force; FAME
21 Assistance Corporation; Korean Health Education.
22 Information and Referral Center; Los Angeles
23 Regional Tobacco Control Community Linkage Project;
24 Multicultural Area Health Education Center; T.H.E.

10:43:40 25 Clinic for Women.

26 Q. I'm sorry. That is T.H.E. --

27 A. Yes.

28 Q. -- Clinic for Women?

36

1 A. Yes.

2 And that's it.

3 Q. How about the American Lung Association of
4 Los Angeles County?

10:44:02 5 A. On this one? Yes. Sorry. I missed that.

6 Q. Okay. It is possible that there are more
7 agencies here that your department worked with but

8 you just at this time don't remember?

9 A. Perhaps.

10:44:14 10 Q. Okay. What is the next target audience

11 listed there?

12 A. African American, African Americans.

13 Q. Okay. Could you go through and just read

14 off some of the agencies that you recognize that

10:44:24 15 your department worked at or worked with.

16 A. African American Tobacco Control Network;

17 Charles R. Drew University of Medicine and Science;

18 FAME Assistance Corporation. FAME Assistance

19 Corporation, then Los Angeles County Department of

10:44:50 20 Health Services is listed. Los Angeles Free Clinic;

21 Tarzana Treatment Center, Watts Health Foundation.

22 Q. Watts? That's W-A-T-T-S?

23 A. Yes.

24 That's it.

10:45:12 25 Q. That's all that you recognize for now?

26 A. Yes.

27 Q. And it's your understanding that all of

28 these agencies had as one of their primary purposes

37

1 a target audience of the African American community?

2 A. Yes.

3 Q. And the next target audience you see there?

4 A. American Indians.

10:45:30 5 Q. Okay.

6 A. American Indian Tobacco Control Network.

7 That's it.

8 Q. Okay. That's all you recognize for now?

9 A. Yes.

10:45:46 10 Q. And the American Indian Tobacco Control

11 Network targeted American Indians or Native

12 Americans as part of its Tobacco Control

13 activities --

14 A. Yes.

10:45:58 15 Q. -- which is your department?

16 The next target audience?

17 A. Asian/Pacific Islanders.

18 Q. Can you tell me what agency your department

19 worked with?

10:46:10 20 A. Asian and Pacific Islander Tobacco Control

21 Network; Asian Health Project -- no, no. I'm

22 sorry. Go back. I don't -- let's take that back.

23 The next one would be Asian/Pacific Health

24 Care Venture, Inc.; California Smoker's Helpline;

10:46:40 25 Chinatown Service Center; Korean Health Education,

26 Information and Referral Center; Korean Youth and

27 Community Center; Little Tokyo Service Center. And

28 then Los Angeles County Department of Health

38

1 Services is listed. St. Mary Medical Center; T.H.E.

2 Clinic for Women, Inc./Asian Health Project.

3 And that's it.

4 Q. Okay. And the next target audience there

10:47:22 5 is entitled Blue Collar Workers.

6 What is your understanding, generally, of

7 what they mean by Blue Collar Workers as a target

8 audience?

9 A. I believe it was programs that was targeted

10:47:48 10 to people who worked in non-professional jobs, so

11 people who work, the lower economic status but who

12 worked, of the working class.

13 Q. Okay, all right.

14 So the lower socioeconomic status might be

10:48:04 15 the overriding characteristic?

16 A. Yes.

17 Q. Okay. And I see here at the top of the

18 list, ADAPT Programs.

19 That's the program you mentioned earlier as

10:48:12 20 one that your department works with?

21 A. Yes.

22 Q. Or worked with?

23 Any others?

24 A. Little Tokyo Service Center.

10:48:22 25 Q. How about under the next heading, Daycare

26 Providers?

27 A. There is none there for us.

28 Q. Just a quick question about California

1 State University Long Beach Foundation.

2 Did Long Beach report to your department

3 their Tobacco Control activities?

4 A. Actually -- I'm sorry -- that was one of
10:48:40 5 our contractors.
6 Q. It was?
7 A. And they worked with HeadStarts.
8 Q. What are HeadStarts?
9 A. Preschool, preschoolers. They work with --
10:48:54 10 we contracted with them to provide it to preschool
11 teachers.
12 Q. Oh, preschool teachers education --
13 A. ETS.
14 Q. -- about ETS?
10:49:00 15 A. Yes.
16 Q. All right. The next target area mentioned
17 is Drug and Alcohol Programs?
18 A. These are East Los Angeles Health Task
19 Force and Tarzana Treatment Center.
10:49:16 20 Q. And the next target audience listed is
21 Farmworkers.
22 Do you recognize any agencies there that
23 your department worked with in Tobacco Control
24 activities?
10:49:28 25 A. Los Angeles County Office of Education is
26 mentioned, but I do not recall us having this, us
27 working with them on this project.
28 That's it.

1 Q. That's all you recognize for now?

2 A. Yes.

3 Q. Okay. Then the next category is

4 Health-Care Providers.

10:49:52 5 A. American Lung Association of Los Angeles

6 County; East Los Angeles Health Task Force; Los

7 Angeles Regional Family Planning Council, Inc.;

8 T.H.E. Clinic for Women; Tarzana Treatment Center.

9 Q. Was that T.H.E. Clinic for Women?

10:50:28 10 A. Yes.

11 Q. All right. Thank you.

12 A. That's it.

13 Q. Did you work at all at UCLA?

14 A. May have, but I don't recall what that

10:50:44 15 project was.

16 Q. Or USC School of Dentistry?

17 A. I don't recall.

18 Q. Okay. So it's your understanding that all

19 of the target areas for all these agencies were

10:50:58 20 health-care providers?

21 A. Yes.

22 Q. The next target audience is

23 Hispanic/Latino.

24 Could you please state the agencies there

10:51:10 25 that you recognize and remember now that your

26 department worked with.

27 A. American Lung Association of Los Angeles

28 County; California Smokers Helpline.

1 That's it.

2 Q. Okay. The next category is Incarcerated

3 Individuals.

4 A. I think we are missing a page.

10:51:50 5 Q. Are you missing page 336?

6 MR. RAGLAND: No: 334 and 335.

7 BY MS. MARTIN:

8 Q. Oh. Well, let's go to 336.

9 We are missing a page?

10:52:04 10 A. I think, I thought this was awfully short.

11 Q. You are quite sure there are more?

12 A. Yes.

13 Q. We will probably run into those in some

14 other documents coming up.

10:52:14 15 I am skipping to 336, Incarcerated

16 Individuals.

17 Do you recognize any of those agencies that

18 you worked with?

19 A. I believe California Drug Consultants. I'm

10:52:24 20 not sure.

21 Q. Okay.

22 A. That's it.

23 Q. I think local government is basically your

24 department.

10:52:40 25 That falls within that category?

26 A. Yes.

27 Q. This category of Magnet Events, what is

28 that?

1 A. These agencies were funded to put to
2 planning and conducting large events in the
3 community where, you know, hundreds or thousands of
4 people may have, would have come together, and they
10:53:06 5 would have learned tobacco education or would have
6 learned about the hazards of tobacco smoke.

7 But they were funded to do very large
8 events.

9 Q. When you say hazards of tobacco smoke, by
10:53:18 10 that hazards associated with ETS?

11 A. Yes.

12 Q. What sort of events?

13 Like would health fairs be one of them?

14 A. Health fairs, or if there were major
10:53:42 15 festivals going on in the state, then an agency may
16 sponsor or provide services and education at that
17 festival.

18 Q. Would festivals include a holiday festival?

19 A. Yes.

10:53:50 20 Q. Ethnic --

21 A. Yes.

22 Q. -- festivals?

23 Like the Chinese New Year festivals, that
24 sort of thing?

10:53:56 25 A. Yes.

26 Q. Can you remember any specifically, as you
27 sit here?

28 A. I just can't remember the name of the

1 festivals.

2 But there is the annual African American

3 Reunion I believe is the name of it. And there is

4 annual sort of Latino festivals in downtown. And

10:54:14 5 people would participate in those events.

6 Q. How would they participate?

7 A. They would be a major sponsor. By being a

8 major sponsor, they would have, you know, a big

9 table or a big tent for several events, and they

10:54:32 10 would be part of the program and have events listed

11 in the program for education which would take place.

12 Q. What kind of events?

13 A. Oh, I don't know if I can give you an

14 example.

10:54:58 15 I don't know. I don't remember a specific

16 example to give.

17 Q. You would -- would one event be, for

18 example, a lecture?

19 A. Yes.

10:55:06 20 Q. Or perhaps a skit or a play, or something

21 like that?

22 A. Yes.

23 Q. How about just handing out materials?

24 A. Yes, that was included, too.

10:55:16 25 Q. Okay. And -- okay.

26 The next category listed here is Peer

27 Education.

28 What is your understanding of the peer

1 education category?

2 A. That basically describes projects that
3 target youth also, mostly teens, and it's where
4 teens would be trained so that they would understand

10:55:42 5 Tobacco Control issues. And then they would be
6 responsible for educating other teens.

7 Q. Would they be responsible for educating
8 younger children?

9 A. Yes, that, too.

10:55:52 10 Q. And when you mentioned Tobacco Control
11 issues, including you mean associated with ETS?

12 A. Yes.

13 Q. Do you recognize any of those peer
14 education agencies as agencies working with your

10:56:04 15 department?

16 A. Yes: American Lung Association of Los
17 Angeles County; Asian/Pacific Health Care Venture,
18 Inc.; California Drug Consultants; Greater Los
19 Angeles Council on Deafness, Inc.; Korean Youth
10:56:38 20 Center; Multicultural Area Health Education Center.

21 That's it.

22 Q. That's all you remember for now?

23 A. Yes.

24 Q. Okay. The next target audience listing for
10:57:00 25 agencies is Pregnant Women and Women of Childbearing
26 Age.

27 Would you please state what agencies you

28 recognize there as working with your department?

45

1 A. St. Mary's Medical Center.

2 That's it.

3 Q. That's all you recognize for now?

4 A. Yes.

10:57:38 5 Q. Okay.

6 What is your understanding of what agencies
7 whose responsibility is to target pregnant women and
8 women of child-bearing age and what their
9 responsibilities are?

10:57:58 10 A. It's to educate women who are pregnant or
11 who could become pregnant about the potential risk
12 to their unborn child and to their children because
13 they have been smoking.

14 Q. Okay. Active smoking?

10:58:12 15 A. As well as passive as well as ETS.

16 Q. As well as ETS. Okay.

17 The next target audience that we have
18 listed in this exhibit is Youth.

19 What age range do you understand that the
10:58:34 20 target audience of youth to be?

21 A. We typically thought of it as the preteen
22 and teenagers for some programs up to age 21.

23 Q. Okay. Were there efforts to reach people
24 below a preteen-age level?

10:58:56 25 A. Yes, sometimes.

26 Q. Yes, sometimes?
27 A. Uh-huh.
28 Q. Perhaps -- did the County Department of

46

1 Education have primary responsibility for reaching
2 the younger children?

3 A. Yes.

4 Q. Did your department coordinate with the
10:59:14 5 Department of Education?

6 A. Yes.

7 Q. In what way did you do that?

8 A. They actively participated in our
9 coalition; we participated in theirs. We were aware
10:59:28 10 of what each other's services, what each other was
11 funding so that we could avoid duplication or to
12 coordinate when we needed to.

13 That's it in a broad context.

14 Q. When you say "our" coalition, what do you
10:59:42 15 mean by that?

16 A. Los Angeles County Tobacco Control
17 Coalition.

18 Q. What were the components of that coalition,
19 or what are the components?

10:59:58 20 Who is in the coalition?

21 A. I mean up to like 200 agencies or
22 individuals that participated in it, different
23 levels of participation; it varied. But the kind of
24 participation was active part way, which means they

11:00:12 25 were at meetings, each meeting where we decided what
26 services we needed to plan for.
27 And in subsequent years the coalition
28 worked with health services to decide, to look at

47

1 the evaluation data to decide what worked and what
2 didn't work; what changes we should be making in the
3 program they approved. They had to review and
4 approve our budget and our plan that we sent to the
11:00:32 5 state.

6 Q. Okay. And when you say agencies, are
7 community-based organizations a sub group of
8 agencies?

9 A. Yes.

11:00:46 10 Q. Looking at the Youth agencies listed there,
11 and looking at this, this is not a complete list.

12 So could you just state for me some of the
13 youth agencies that you recognize that your
14 department works with?

11:01:04 15 A. American Lung Association Los Angeles
16 County; California Drug Consultants; Charles R. Drew
17 University School of Medicine and Science; Filipino
18 American Service Group.

19 That's it from this list.

11:01:44 20 Q. That's it for now from this list, which is
21 incomplete?

22 A. Yes.

23 Q. Okay. Thank you.

24 Thank you for going through this document

11:01:50 25 with me.

26 At the beginning of the document, one of

27 the responsibilities for local lead agencies

28 mentioned was coalition development in order to

48

1 effect broad community participation.

2 A. Yes.

3 Q. And you mentioned that that was an activity

4 that your department did.

11:02:24 5 Can you describe to me what you did in

6 order to meet that responsibility?

7 A. In the earlier years of the program, we had

8 one group that we met with on a regular basis,

9 probably monthly; maybe every other month. And it

11:02:44 10 included community-based organizations; some

11 community clinics; some major, some voluntary health

12 organizations like the American Lung Association,

13 the American Heart Association, American Cancer

14 Society; physicians and other people who were

11:02:56 15 interested in the Tobacco Control issue.

16 And we met with them to discuss what we

17 thought we needed to do with the program. And, as I

18 said, they had responsibility to review and plan our

19 budget before it went to the state.

11:03:10 20 As the program developed, probably around

21 1993 or '94, we changed the structure of the

22 coalition. We thought it would be much more
23 effective if we funded mini coalitions to organize
24 around certain community groups.

11:03:28 25 So we developed the Hispanic/Latino
26 Coalition, African American Coalition, Asian
27 Coalition, Youth Coalition. And they then worked
28 with agencies, community-based agencies and with

49

1 other people, who had been in the tobacco control
2 program, around that specific target group. And
3 they decided what the needs and priorities are and
4 where our attention should be focused.

11:03:50 5 Then as the competitive group, we came
6 together about once every quarter to decide
7 county-wide inputs from the entire county population
8 what we needed to.

9 Q. What was that competitive group called?

11:03:58 10 A. I believe it was known by, the name used is
11 Tobacco Control Alliance.

12 Q. Alliance?

13 A. Yes.

14 Q. Okay. And do the coalitions report, did

11:04:08 15 they report to you --

16 A. Yes.

17 Q. -- as director?

18 And how often did they report to you?

19 A. Once a month. And then as needed, I would

11:04:20 20 have regular meetings with leaders of those
21 coalitions.

22 Q. Okay. And the coalitions are organized
23 around roughly, well, some are organized around
24 ethnic target audiences?

11:04:34 25 A. Yes.

26 Q. Could you actually tell me again the five
27 members of the coalition.

28 A. Hispanic/Latino; African American;

50

1 Asian/Pacific Islander; youth.

2 And I think now around 1996 or '7, we
3 started a Gay and Lesbian Coalition.

4 Q. Okay. And are these coalitions also
11:05:00 5 responsible for ensuring that the three priority
6 areas, including the reduction of ETS, are covered
7 in their activities?

8 A. Yes.

9 Q. Okay. We will run into those a little bit
11:05:24 10 later.

11 The Youth Coalition, are they responsible
12 for educating teenagers about the health effects
13 associated with ETS?

14 A. Yes.

11:05:44 15 Q. And are they responsible for educating
16 preteens about the health effects of ETS?

17 A. Yes.

18 Q. You mentioned that these coalitions will

19 enter into or negotiate contracts with TBOs?

11:06:00 20 A. Yes.

21 Q. Did you ultimately approve those contracts?

22 A. Yes.

23 Q. So the coalitions would run them by you --

24 A. Yes.

11:06:12 25 Q. -- the TBO contracts?

26 Another responsibility listed on here, a

27 responsibility listed on that Exhibit 614 was

28 preventive health education?

51

1 A. Yes.

2 Q. Can you tell me what your department did to
3 meet that responsibility?

4 A. I would say that basically describes it:

11:06:48 5 Services targeted to youth so that they wouldn't,
6 they were to reduce the uptake of tobacco use and
7 non-use, and also services that we -- I would have
8 classified anything that we did relating to ETS
9 under that as well.

11:07:08 10 Q. As preventive health education?

11 A. Yes.

12 Q. So what particular services do you have in
13 mind?

14 A. As an example, some of the things funded

11:07:24 15 was peer education so that agencies were responsible
16 for providing teens with would-be leaders in the

17 community; training about factual education, and
18 having them deliver tobacco health messages to other
19 teens.

11:07:36 20 We funded community-based organizations to
21 go out and do outreach where families or women or
22 other people were talking about the hazards of
23 tobacco use of ETS.

24 It's a variety of activities.

11:07:50 25 Q. Of activities?

26 Actually, just going back to all of the
27 agencies that we were looking at earlier, we talked
28 about how those agencies were directed towards

52

1 certain target audiences.

2 Were the agencies also responsible for one
3 or all of the three priority areas?

4 A. Yes.

11:08:12 5 Q. Including ETS?

6 A. Yes.

7 Q. Okay. Or education about ETS?

8 A. Yes.

9 Q. And just a question about the
11:08:28 10 community-based organizations and the development of
11 coalitions.

12 Is one of the purposes of communicating --

13 Why don't you describe to me the purpose of
14 communicating through CBOs and coalitions

11:08:46 15 communicating to the public through those means.

16 A. When we started the program, we had to
17 figure out the most effective way of getting people
18 to listen to the message and, instead of bringing a
19 whole bunch of new staff into the Department of
11:09:04 20 Health Services, go out and do public education.

21 We decided the best strategy was to fund
22 community-based organizations that had a good track
23 record, because they already had credibility and
24 trust with the community and high name recognition
11:09:18 25 in the community, and they already had ways of
26 getting information out to people that the
27 Department of Health Services would have to develop
28 on its own if it attempted to provide service

53

1 recognition.

2 Q. Did you also characteristically use or
3 access grass roots activities through your grass
4 roots organizations?

11:09:34 5 A. Yes.

6 Q. Okay. Moving to the next responsibilities
7 listed there are Referral and Outreach Services.
8 And you mentioned earlier that you engaged in those
9 activities.

11:09:52 10 Can you describe to me those activities?

11 A. Every agency that we contracted with had
12 responsibility to contact, as part of their
13 education, people who smoked. And if they wanted to

14 access cessation services, we had a mechanism so
11:10:12 15 that they could refer people to those services.
16 We worked really closely with the
17 coalitions on the heart and lung health fields and
18 provided a toll-free number so that people who
19 smoked could get assistance. And referring those
11:10:26 20 people to a toll-free film as a regular part of what
21 all our contractors did. And, periodically, we ran
22 mass media campaigns that emphasized that number and
23 were told to call that number.

24 Q. What else did you do for information,
11:10:42 25 referral and outreach services?

26 A. A lot of what the contractors did is what
27 we considered outreach. So they went to almost
28 every place where people congregate, with the

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1 exception of schools and outreach people, to find
2 people who were smokers, and tried to convince them,
3 you know, not to smoke, and developed information
4 for evaluation surveys. They talked to people about
11:11:10 5 ETS; told them where they go to get information, and
6 did some primary education through outreach
7 education, and, basically, described what most of
8 our agencies did.

9 Q. I understand.

11:11:22 10 Okay. The next responsibility mentioned is
11 the technical assistance to local programs.

12 What did you do to provide technical

13 assistance to local programs?

14 A. All agencies that we contracted with and
11:11:38 15 the agencies that were here in Los Angeles County,
16 that the state contracted with directly, we would
17 provide assistance, when we needed to, to help them
18 develop their program and make sure that it was
19 theoretically sound.

11:11:52 20 We would provide special seminars or
21 training where we would bring people together, and
22 bring experts in to lecture them, to make sure that
23 all the programs were built on, you know, a sound
24 foundation.

11:12:06 25 Q. Did those seminars include ETS seminars?

26 A. Yes.

27 Q. Or had ETS component of the seminars?

28 A. Yes.

55

1 Q. Did part of your assistance include
2 approving materials or providing materials?

3 A. Yes.

4 Occasionally, we actually developed
11:12:26 5 educational materials in an area where, if we
6 thought a target group needed some materials that
7 were relevant for them and that existed.

8 Q. Where else, besides from you, where else
9 would these or do these agencies get materials from?

11:12:44 10 A. Sometimes we funded them to develop new

11 materials as well. And then all of our contract
12 agencies through us had a relationship to the
13 Clearinghouse.

14 Q. By Clearinghouse, do you mean the Tobacco
11:12:56 15 Education Clearinghouse?

16 A. Yes.

17 Q. Was there access to something called
18 Healthy Kids Resource Center?

19 A. That Healthy Kids Resource Center was run
11:13:10 20 by the L.A. Unified Schools, well, by -- there were
21 10 regions and California L.A. Unified School
22 District I believe was responsible for that.

23 I believe our agencies had access to that
24 information, too, yes.

11:13:24 25 Q. So your contractors or contractees -- I'm
26 sorry -- could have access to the Healthy Kids
27 Resource Center; it was available to them?

28 A. Yes.

56

1 MS. MARTIN: I think this is a good time to
2 take about a five-minute break.

3 Off the record.

4 (Recess taken.)

5 (At this point ROBERT A. RAGLAND, ESQ.
6 departs entered the deposition proceedings and
7 ROSEMARIE BELDA, ESQ., arrives at the
8 deposition.)

9 MS. MARTIN: Let's go back on the record.

10 BY MS. MARTIN:

11 Q. We were, before we went off the record, we
12 were going through the responsibility of local lead
13 agencies. One of the responsibilities we talked
14 about earlier was coordination with county service

11:21:52 15 providers.

16 Can you tell me what your program did to
17 coordinate with community service providers?

18 It's on page X.

19 A. We were referring to the State of
11:22:12 20 California had a contract directly with an agency
21 that was providing services in the county. And then
22 we had responsibility to know who those agencies
23 were and to include them in our planning efforts.

24 That was primarily done by having them
11:22:22 25 participate in the coalition --

26 Q. Okay.

27 A. -- and provide technical assistance to
28 them.

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1 Q. Can you remember any specific agencies
2 offhand that you coordinated with?

3 A. The American Lung Association Los Angeles
4 County was an example that contracts directly with
11:22:36 5 the state. And we work with them.

6 Q. What did you do in working with them?

7 A. They participated in that coalition so we

8 would understand what direct services that they are
9 providing so that we didn't duplicate those
11:22:54 10 services. There may have been coordination. We
11 made sure that we were, that there was some
12 consistency in how we delivered services.

13 Q. I am going to move to another subject and
14 just come back to your department at the Los Angeles
11:23:20 15 County Department of Health Services Tobacco Control
16 Program.

17 And when you were director of the program,
18 who reported to you?

19 A. Who meaning?

11:23:36 20 Q. What employees reported to you within that
21 program, the Tobacco Control Program?

22 A. Usually had a staff of somewhere between 20
23 and 30. And they included public health nurses,
24 research analysts, people who had an administrative
11:23:58 25 background so they could run the competitive grants
26 process, monitor contracts.

27 Q. And did everyone report to you, all the
28 employees?

58

1 A. Yes. I'm sorry.

2 Q. I think this will help.

3 MS. MARTIN: I will have marked as next in
4 order 615.

5 (Deposition Exhibit No. 615 was marked
6 for identification and is bound separately.)

7 BY MS. MARTIN:

8 Q. What is Exhibit 615?

9 A. Organization chart for the year 1997.

11:24:32 10 Q. Did you create this chart?

11 A. Yes.

12 Q. And just starting at the top of the chart,
13 it says County of Los Angeles - Department of Health
14 Services Public Health Programs & Services Planning

11:24:50 15 and Policy Development.

16 Was this the Tobacco Control Program?

17 A. Yes.

18 At this time, in addition to being Tobacco
19 Control Director, I had assumed some planning

11:25:08 20 responsibility for the entire department to the
21 Tobacco Control Program and was part of the
22 organization unit called Planning and Policy
23 Development.

24 Q. Okay. Did all of the employees listed on

11:25:24 25 this chart work in the Tobacco Control Program in
26 some way?

27 A. Yes.

28 Q. And you were there at the top as the

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1 director. And then right under is Mattie Jones,
2 secretary.

3 She was your, he or she was your secretary?

4 A. Yes, she was.

11:25:46 5 Q. Then let's move to Cynthia Hallett, Program
6 Operations.
7 What did she do in that capacity?
8 A. She was responsible for development for all
9 the new program developments, someone we thought we
11:26:06 10 need to start the initiative and to contract for
11 services.
12 She was responsible for developing that
13 force. She was responsible for managing and
14 monitoring the contract services that we had. She
11:26:22 15 was responsible for evaluating and for looking over
16 the evaluation data we collected.
17 She wrote the progress reports to the
18 state. She was the main program person in the
19 office.
11:26:38 20 Q. When you say she wrote progress reports to
21 the state, were you involved as well in putting
22 together those reports?
23 A. Yes.
24 Q. What did that project entail?
11:26:54 25 A. We had to give updates on our coalition
26 activities and describe over the reporting period,
27 whether it be a year or six months, what we thought
28 the major accomplishments of the coalition was.

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1 We had to describe the progress that had
2 been made in each of the three priority areas to
3 list all the activities that our contractors did and

4 give the process evaluation information on that to a
11:27:22 5 number of clients such as changes in some of the
6 outcome data related to that.

7 That's basically it.

8 Q. How was the form of the progress report
9 determined?

11:27:34 10 A. The state dictated the format.

11 Q. And what was the purpose? What is the
12 purpose of the progress report?

13 A. We reported to the state and the state
14 could take that information to their, on the
11:27:48 15 progress report to the administration and the
16 legislature in Sacramento.

17 Q. Was the funding of your department in any
18 way dependent on or contingent upon the progress
19 report?

11:28:04 20 I mean, the funding person who went to the
21 state under Prop 99 funds, was there some relation?

22 A. I mean, yes. Every two years the
23 legislature would have to appropriate Prop 99
24 money. And they would review the progress of the
11:28:22 25 entire state program at that point.

26 Q. Including progress reports?

27 A. Yes.

28 Q. What materials did you look at, or the

1 people within your department or under your

2 supervision, look at to create a progress report?

3 A. The only evaluation reports that came in

4 were from contractors. So we knew the

11:28:52 5 accomplishments of each of the contractors.

6 Then we would look at the evaluation report

7 put out by the state that tracked that prevalence

8 county wide. And then we had some of our own data

9 that we had based on surveys that tracked tobacco

11:29:12 10 use prevalence and exposure to ETS and attitude

11 about Tobacco Control policies.

12 Q. Besides evaluations from your agencies,

13 what else would agencies or CBOs provide you with?

14 A. Samples of the materials that they used.

11:29:36 15 Sometimes it would be photographs and other things,

16 you know, physical evidence of the work that they

17 did in the community, just Magnet Events, things

18 like that.

19 Q. Progress reports?

11:29:42 20 A. Yes.

21 Q. Would you review these submissions before

22 you reimbursed the agencies for their expenditures?

23 A. Yes. That happened probably in 1993; we

24 started a process where agencies were not paid until

11:30:08 25 we had the evaluation data in hand which let us know

26 what their accomplishment. It was a way of

27 verifying the work that had been done.

28 Q. That was starting in 1993?

1 A. Yes, roughly.

2 Q. Okay. And, basically, they wouldn't get

3 their money and any reimbursement until they had

4 provided you with adequate documentation and backup

11:30:26 5 for their activities?

6 A. That's correct.

7 Q. How long would it take, how long did it

8 take to put together your progress reports to the

9 state?

11:30:40 10 A. When it was done very well? Probably was

11 an activity that took 80 hours.

12 Q. A substantial project?

13 A. Yes.

14 Q. And were you careful to be as accurate and

11:30:54 15 thorough and complete as possible in putting

16 together your progress reports to the State?

17 A. Yes.

18 Q. Let's go back to the organization chart.

19 Let's, if you could, just describe to me

11:31:12 20 pretty briefly the duties of the persons underneath

21 the Program Operations person, Cynthia Hallett,

22 starting with Research Analyst II.

23 A. Okay. That person was responsible for

24 looking at the evaluation data that came in from the

25 contractors and compiling reports to let us know

26 overall and by agency how many people were served;

27 some profile of the people who were served, and

28 changes in attitude, behavior and belief.

1 Q. When you say a profile of the people who
2 were served, do you mean demographic information?
3 A. Yes.
4 Q. Age, like age?
11:31:48 5 A. Yes.
6 Q. And ethnicity?
7 A. Yes.
8 Q. Target groups?
9 MS. MARTIN: I'm sorry. Could you read
11:32:00 10 back for me her answer, original answer on that,
11 behavior and belief.
12 (The record was read as follows:
13 That person was responsible for
14 looking at the evaluation data
15 that came in from the contractors
16 and compiling reports to let us
17 know overall and by agency how
18 many people were served; some
19 profile of the people who were
20 served, and changes in attitude,
21 behavior and belief.)
22 MS. MARTIN: Thank you.
23 BY MS. MARTIN:
24 Q. When you mentioned changes in attitude,
11:32:28 25 behavior and belief does that include a belief as to
26 health risks associated with environmental tobacco
27 smoke?
28 A. Yes.

1 Q. Okay. Let's move next to Data Systems
2 Analyst.
3 What did that person do?
4 A. He was responsible for our LAN, our Local
11:32:50 5 Area Network; responsible to take care of the
6 hardware/software needs of the office.
7 Q. Including the PARTNERS program?
8 A. Yes.
9 Q. And that's PARTNERS with all caps?
11:32:58 10 A. Yes.
11 Q. And that's --
12 Can you tell me what PARTNERS is, was or
13 is?
14 A. I am not a technical person, so I may not
11:33:10 15 describe this right.
16 But it is an interactive computer
17 communications system that all of the local health
18 departments and the contractors through the state
19 participated on. It was a way for the state
11:33:28 20 electronically to provide information to all the
21 contractors and floor people to communicate back and
22 forth about different programs' needs and
23 curriculum, things like that.
24 Q. Okay. Is it like a resource
11:33:42 25 information-sharing system?
26 A. Oh, yes; it has that purpose, yes.
27 Q. It has that purpose?
28 Who used that system in your department?

1 A. Primarily, it was Cynthia Hallett.

2 Q. Cynthia Hallett?

3 A. Yes.

4 Q. Did she use it often?

11:33:56 5 A. Yes.

6 Q. Let's go next down to the Contractor

7 Manager position; the name appearing there is Ruth

8 Guerrero.

9 What are the responsibilities of that? I'm
10 sorry.

11 The Contractor Manager, what are the
12 responsibilities of that position?

13 A. She was responsible for going out to all of
14 our contractors and making sure that they understood
11:34:24 15 the terms and conditions of their contract; what
16 they were legally; what they had to provide to us.

17 She made sure that the programs were built on
18 theoretical bases we gave them, that the programs
19 were sound. She made sure that they were hitting
11:34:44 20 every major milestone and timeline described in
21 their contract.

22 She would get from them the curriculum and
23 materials that they wanted to use in the project
24 that she was responsible for giving. And she was
11:34:58 25 first in line in reviewing and approving those
26 materials. But eventually they would be reviewed
27 and approved by me.

1 held responsible for letting us know when she
2 thought there were problems with the contractors,
3 when they weren't doing their job.

4 Q. When you say milestones in their contract,
11:35:20 5 where were those milestones sent out?

6 A. In the exhibit their contract is called
7 Scope of Work.

8 Q. Scope of Work.
9 Who would create, or who created the scope
11:35:28 10 of work?

11 A. The scope of works were created as part of
12 the competitive bid process. We selected the
13 agencies. Before we recommended to the Board of
14 Supervisor to fund those agencies, we would
11:35:42 15 negotiate their scope of work with them.

16 And there were lots of people in the office
17 who participated in the negotiations process.

18 Q. Who actually created the scope of work
19 form?

11:35:52 20 A. My office.

21 Q. Your office.

22 Was that -- and the scope of work includes,
23 for example, the priority program, priority area
24 that that agency would focus on?

11:36:08 25 A. It had to describe what priority areas

26 their project fell under, what the target group
27 was. And then it would list major, list major goals
28 and objectives of the project, and then the major

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1 tasks and what time they would be completed.

2 Q. And so, obviously, some of these scope of
3 works would have as their primary emphasis the
4 priority area of ETS?

11:36:30 5 A. Yes.

6 Q. And when you say target audience, you are
7 referring to the various breakdowns of target
8 audiences that we were talking about earlier today?

9 A. Yes.

11:36:46 10 Q. Real briefly, what did the student
11 professional worker do?

12 A. Primarily, the computer inputted the data
13 that came from the contractors, the evaluation data.

14 Q. Okay. Let's move to the second column that
11:37:08 15 appears directly under you as director, Margaret
16 Scott, Health and Faith Project.

17 What is the Health and Faith Project?

18 A. It's a project where we worked with the
19 faith community, which describes the churches and
11:37:28 20 mosques; just varies different faiths.

21 And money, we used Tobacco Control money
22 but also money that we have from other sources as
23 well.

24 And it would be going out and doing

11:37:42 25 outreach at churches but in poorer areas. And we
26 used churches because they, again, it was
27 credibility and trust in the communities in those
28 institutions.

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1 We would provide health, education and some
2 direct services, like immunizations and PAP
3 smears -- no, not PAP smears -- blood pressure
4 checks and other things.

11:38:00 5 But for the Tobacco Control part of it, the
6 staff and volunteers that we had in that section
7 would educate, you know, parents about ETS and talk
8 to people about cessation services that were
9 available to them.

11:38:14 10 Q. Can you explain to me a little bit more
11 about why it was important for you, to your
12 department to work through churches and religious
13 organizations?

14 A. Because they were institutions that were
11:38:34 15 trusted and in those communities where we needed to
16 get into, particularly the African American and
17 Latino community.

18 Q. You also mentioned the poorer areas?

19 A. Yes.

11:38:44 20 Q. What did you mean by that?

21 A. In areas, in the lower socioeconomic areas,
22 the church is where people not only go for religious

23 services, but child-care services are provided
24 there; free meal programs are provided there. So it
11:38:58 25 was a place to go where we could, where there were
26 people who were impacted by tobacco smoke.
27 Q. Okay. And you mentioned that you would
28 educate community members through the Health and

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1 Faith Project about tobacco issues, including health
2 risks associated with ETS?
3 A. Yes.
4 Q. You mentioned that you would educate
11:39:20 5 parents about that.
6 Would you also educate youth and
7 children --
8 A. Yes.
9 Q. -- through the Health and Faith Project?
11:39:28 10 A. Yes.
11 Q. Okay. Let's move then to Danielle
12 Glenn-Rivera, Health Program Coordinator.
13 Can you tell me what the responsibilities
14 were that that position entailed?
11:39:42 15 A. She did some of the direct service
16 activities as part of the Health and Faith Project.
17 She also participated on the state-wide American
18 Indian Coalition.
19 Q. What did she do for the American Indian
11:39:58 20 Coalition?
21 A. That coalition was responsible for advising

22 the state about the kind of services that the state
23 needed to fund to reach American Indians under those
24 three priority areas.

11:40:14 25 Q. Okay. I notice you haven't related to the
26 Health and Faith Project as some sort of
27 religious --

28 A. No.

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1 Q. -- aspect or facility available or
2 something related to Native Americans?

3 A. No. Her primary activity related to the
4 Health and Faith Project. But she is American
11:40:32 5 Indian and was one of the few that was working in
6 the state with respect to that use. She
7 participated on the coalition.

8 Q. Okay. And then what did the volunteers
9 listed under the Health Program Coordinator, what
11:40:44 10 did the volunteer do, or the two volunteers?

11 A. They were funded by the federal grants that
12 we had for the VISTA volunteer programs. They
13 worked in, they worked in that and had training and
14 expertise to work in the community with faith
11:41:02 15 institutions, you know, to help the community in
16 that way.

17 They were VISTA volunteers.

18 Q. Do you know what that the term VISTA means
19 or stands for?

11:41:10 20 A. God, I don't recall. It's a acronym that's
21 used.

22 Q. Okay. Let's move to the last column Anne
23 Robinson, Administrative Services.

24 What responsibilities did that position
11:41:18 25 entail?

26 A. She was responsible for day-to-day
27 administrative things that needed to be done within
28 the office and Human Resources; procurement of

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1 supplies; development of contract documents that we
2 needed for submission to the board.

3 Q. Okay.

4 A. And also she was responsible for monitoring
11:41:44 5 and managing the contractors.

6 Q. Okay. When you say submissions to the
7 board, do you mean the Board of Supervisors?

8 A. Yes.

9 Q. So you, basically, had to keep in mind your
11:41:58 10 responsibilities to report both to the board and to
11 the state?

12 A. The contract that the County had from the
13 state was that it contracted with board approval.

14 It was a county contract; the county had the
11:42:16 15 responsibility but the state was doing the --
16 activities were done through our offices.

17 Q. Okay. Fair enough.

18 Moving to the next position, Contract

19 Manager, what were the duties there?

11:42:34 20 A. Similar to the duties, the duties were
21 similar to that of Rut Guerrero, because they were a
22 different part of the organization. I don't
23 remember why. But they just were responsible for
24 going to the contractors and making sure they
11:42:44 25 understood what they had to do.

26 Q. Your agencies and your CBOs?

27 A. Yes.

28 Q. Okay. And, just briefly, the word

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1 processor was responsible for?

2 A. Word processing.

3 Q. Just the internal word processing
4 activities and whatnot?

11:43:00 5 A. Yes.

6 Q. Okay. Switching to another subject --
7 (Discussion off the record.)

8 BY MS. MARTIN:

9 Q. We talked earlier --

11:43:24 10 The court reporter needs to keep them, but
11 if you need to look at any of those, let me know.

12 A. Yes.

13 Q. You talked earlier about your departments
14 or your program's activities with respect to the

11:43:36 15 media and that mode of communication.

16 Did you also engage public relations

17 activities?

18 A. Yes.

19 Q. Could you tell me what you mean by media?

11:43:58 20 A. We developed ads for primarily radio,
21 newsprint and purchased, you know, air time or the
22 space for those ads.

23 Q. Okay. Ads that would do what or say what?

24 A. Around the three priority areas. Sometimes
11:44:18 25 we ran advertising campaigns around the cessation
26 services that were available, and a toll-free number
27 was available. Sometimes there may have been ads to
28 warn about ETS and, again, refer people to the

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1 toll-free number or they told about the cessation
2 services.

3 There were a variety of messages at
4 different times.

11:44:42 5 Q. Okay. And then can you tell me about your
6 public relations program? Describe it sort of
7 briefly for me.

8 A. We funded them to provide assistance to the
9 Los Angeles County Department of Health Services,
11:45:02 10 our contractors, to publicize events that they were
11 doing. And then sometimes certain things that
12 happened by TV, radio and newsprint.

13 We funded them sometimes to help us do
14 community events. So we wanted to publicize what we
11:45:22 15 described earlier as the Magnet Events. And we

16 asked them to help us organize that, because they
17 had the best skills for that.

18 Q. The Magnet Events?

19 A. Yes.

11:45:28 20 Q. Can you describe to me the difference
21 between a media program and a public relations
22 program in your department for the Tobacco Control
23 activities?

24 A. Media was the development and placement of
11:45:44 25 ads, and public relations was more about publicity
26 about the program, overall publicity about specific
27 things that were happening in the program to get,
28 you know, press coverage for them, and sometimes

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1 help organize large events and get press coverage
2 for those that we needed.

3 Q. So why would you have both types of
4 programs?

11:46:12 5 A. Because we were running an ad, a 30-second
6 ad where we were giving out a message trying to
7 compel people to call a number for cessation
8 services. It's very different than getting press
9 coverage for events. And so we needed the expertise
11:46:26 10 of different kinds of firms.

11 Usually those expertises were not done, you
12 know, we couldn't find that in any single firm.

13 Q. So would it be fair to say that the media

14 and public relations programs sort of work
11:46:40 15 together --
16 A. Absolutely.
17 Q. -- or complemented each other?
18 A. Yes.
19 Q. You mentioned firms.
11:46:46 20 What firms did you engage for your media
21 efforts, that you recall?
22 A. I remember we had a competitive grant
23 process where we looked for firms that could reach,
24 do public relations and advertising for three
11:47:22 25 separate ethnic groups. We looked for a team
26 approach for advertising firms who could reach the
27 mainstream. So sometimes it might have been
28 advertising teams to lead and a public relations

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1 team to report with them.
2 But they would target a certain segment of
3 the population such as the Durazo community
4 activities so that we --
11:47:42 5 Q. Did you say Durazo?
6 A. Yes.
7 Q. Can you spell that?
8 A. D-U-R-A-Z-O.
9 It's a firm that was contracted with
11:47:52 10 relative to public relations activity in the
11 Hispanic population. Then they hired an advertising
12 firm to do the development, to do development and

13 placement of ads in the Spanish media for it.

14 Q. So you mentioned that you were looking for

11:48:12 15 media firms who could target three ethnic groups.

16 What were those ethnic groups?

17 A. Plus African American and Asian/Pacific

18 Islanders.

19 Q. Why those three groups?

11:48:26 20 A. Because tobacco use prevalence was high in

21 those target groups. Our data told us that exposure

22 to ETS was an issue in those community groups, and

23 also cooperation because there had been marketing

24 product for the community.

11:48:42 25 Q. And you also mentioned the teen group.

26 Did you find a media firm to help you

27 target teens in your Tobacco Control activities?

28 A. I believe the mainstream public relations

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1 firm that we used, they may have had some activity

2 to target teens, yes.

3 Q. Was that firm, did you say a public

4 relations firm?

11:49:06 5 Was that firm Rogers & Associates?

6 A. Yes.

7 Q. And you mentioned they developed activities

8 to reach teens in the three program priority areas?

9 A. I don't recall if it was all three.

11:49:30 10 Q. Okay. Who did you speak with at Rogers &

11 Associates? Who was your contact there?
12 A. I don't remember.
13 Q. Was it somebody named Lynne Doll?
14 A. Yes.
11:49:42 15 Q. Okay. Do you remember talking with
16 Ms. Doll?
17 A. Yes.
18 Q. And did you talk with her about sort of the
19 goals and objectives of the public relations
11:49:52 20 program?
21 A. Yes.
22 Q. Did you talk with her about, for example,
23 the need to reach teens --
24 A. Yes.
11:50:04 25 Q. -- and other target groups?
26 A. Yes.
27 Q. Did you talk to her about the three
28 priority areas of the Tobacco Control Program?

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1 A. Yes. We had regular meetings with her.
2 Q. You had regular meetings, for example, to
3 talk about --
4 A. Yes.
11:50:16 5 Q. -- group needs to educate about the risks
6 associated with ETS?
7 A. Yes.
8 Q. And do you remember at all any specific
9 conversations about the need to educate about the

11:50:30 10 risks associated with ETS with Ms. Doll?

11 A. No.

12 Q. You just don't remember one way or the

13 other at this time?

14 A. Correct.

11:50:40 15 Q. Thank you.

16 The media firm, did you have a mainstream

17 media firm?

18 A. Yes.

19 Q. Would that be Asher & Partners?

11:50:48 20 A. Yes.

21 Q. Do you recall more targeted media firms

22 that you engaged?

23 A. More targeted?

24 Q. For example, Imada Wong?

11:51:04 25 A. Yes. They did the Asian media.

26 Q. And how about Ad America?

27 A. Ad America?

28 Q. Ad America, do you know that firm at all as

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1 targeting the Hispanic/Latino population?

2 A. No.

3 Q. How about Carol H. Williams?

4 A. Yes.

11:51:26 5 Q. What was the target audience for Carol H.

6 Williams?

7 A. African American.

8 Q. Do these media firms also that you engaged,
9 do they also develop materials for non-English
11:51:44 10 speakers?

11 A. Yes.

12 Q. What languages, that you can recall right
13 now, were developed?

14 A. Spanish; probably several Asian languages.

11:52:02 15 I just don't remember what they are offhand.

16 Q. Chinese?

17 A. Yes.

18 Q. Korean?

19 A. Probably.

11:52:06 20 Q. Vietnamese?

21 A. I don't recall Vietnamese specifically.

22 Q. Or Cambodian?

23 Don't recall?

24 A. No.

11:52:20 25 Q. We mentioned Hispanic and Asian.

26 Any other languages that you can remember

27 right now?

28 A. No.

79

1 Q. What types or forms of media did the firms
2 create?

3 I think you have mentioned just basic print
4 ads.

11:52:42 5 A. Mostly, yes, print and radio.

6 Q. Print and radio?

7 A. And for the Asian, we actually id TV.

8 Q. How about other video programs; for example
9 movie trailers?

11:53:02 10 A. Yes. Well, right. Those were the ads we
11 had placed in movie theaters. Yes.

12 Q. Okay. That's fine for now as an overview.

13 MS. MARTIN: Can we go off the record for
14 just a moment.

11:53:48 15 (Discussion off the record.)

16 MS. MARTIN: Back on the record.

17 BY MS. MARTIN:

18 Q. You mentioned earlier that there were a
19 number of coalitions that eventually were created to

11:54:24 20 contract with community-based organizations, the
21 African American Coalition.

22 And that coalition is comprised of agencies
23 who primarily focused on the African American
24 community?

11:54:36 25 A. Yes.

26 Q. Do you know approximately how many agencies
27 were in that coalition?

28 A. No.

80

1 Q. Okay. And then you mentioned the
2 Asia/Pacific Islander Coalition?

3 A. Yes.

4 Q. What, can you just list for me the

11:54:54 5 ethnicity or target communities within the
6 Asian/Pacific Islander coalition?
7 A. Chinese, Korean, Vietnamese and Cambodian.
8 Q. How about Filipino?
9 A. Yes. Sorry. Yes; Filipino, right.
11:55:10 10 Q. And there are perhaps some others that you
11 are just not listing right now?
12 A. Yes.
13 Q. Okay. Then there is the Latino/Hispanic
14 Coalition?
11:55:16 15 A. Yes.
16 Q. And their primary focus area was the Latino
17 and Spanish community?
18 A. Yes.
19 Q. Do you know about how many agencies were
11:55:28 20 within that coalition?
21 A. No. It was the largest coalition.
22 Q. It was the largest coalition?
23 A. Hispanic, yes.
24 Q. Then you mentioned the Youth Coalition?
11:55:40 25 A. Yes.
26 Q. And that coalition was comprised of
27 agencies or organizations directed to youth and
28 teens?

1 A. Yes.
2 Q. And preteens?
3 A. Yes.

4 Q. And sometimes children younger than that?
11:55:54 5 A. Sometimes.
6 Q. Then you mentioned at some point there was
7 the Gay and Lesbian Coalition?
8 A. Yes.
9 Q. In what year did that coalition come
11:56:08 10 together, I guess?
11 A. Probably '96 or '97.
12 Q. Okay. Can you describe to me the purpose
13 for that coalition?
14 A. It was to bring together agencies and
11:56:28 15 individuals who were interested in Tobacco Control
16 issues as it relates to that population.
17 Q. And at some point, was there a Women's
18 Coalition?
19 A. Yes.
11:56:36 20 Q. Can you describe to me that coalition?
21 A. We funded that at the same time that we
22 were funding the ethnic and youth coalition. And
23 their responsibility was to talk about Tobacco
24 Control activities as they relate to women and also
11:56:56 25 a little testing as they relate to family.
26 Q. Relating to family.
27 Can you describe for me some of the issues
28 that are, you know, emphasized or are special to

2 A. The target market?

3 Q. Yes.

4 A. The risk of smoking done by pregnant women

11:57:16 5 and the risks of smoking in houses and cars and, you

6 know, around children generally apply.

7 Q. The risks of secondhand exposure to the

8 children?

9 A. Yes.

11:57:24 10 Q. What about the risks of environmental

11 tobacco smoke to pregnant women?

12 A. Yes.

13 Q. Did the coalition also -- you mentioned the

14 women's coalition covered family issues.

11:57:44 15 Would one of those issues be how to talk to

16 other family members who are smoking and exposing

17 non-smokers to environmental tobacco smoke?

18 A. Yes.

19 Q. And can you describe those efforts for me?

11:58:02 20 A. Helping family members to feel like they

21 could encourage family members to smoke outside,

22 smoke in the garage and not smoke in the house and

23 around children, those kind of activities.

24 Q. In what ways, what ways did they help

11:58:16 25 families to do that effectively?

26 A. First of all, making them, giving them --

27 increasing their knowledge about the risks. And

28 there may have been sessions where people could

1 practice, you know, coaching sessions, that kind of
2 thing.

3 Q. Like role playing?

4 A. Role playing, yes.

11:58:36 5 Q. You can practice doing what?

6 A. For example, a woman might be practicing
7 telling her husband to smoke, you know, outside, not
8 in the house.

9 Backing up a second: Talking about risks
11:59:02 10 associated with secondhand smoke or ETS.

11 Would you describe to me the specific risks
12 associated with ETS or secondhand smoke that your
13 department would communicate to their communities
14 either through the CBOs or your own materials.

11:59:26 15 There was association between children's
16 exposure to tobacco smoke and respiratory
17 infections. That's one particular health hazard I
18 can recall.

19 Other than that, I just don't remember
11:59:44 20 anymore.

21 Q. What about any parallels with hazards
22 associated with active smoking, like lung cancer?

23 A. Yes. As to ETS and children, we really
24 focused on respiratory infections and the long-term
12:00:04 25 effects of exposure to ETS or drugs, that's more
26 what we talked about, and exposure risks associated
27 with cancer and cardiovascular disease.

28 Q. Cardiovascular disease?

1 A. Yes.

2 Q. When you mentioned risks to children and
3 respiratory diseases, did you say anything about
4 asthma?

12:00:20 5 A. Yes, that's one of them.

6 Q. What about Sudden Infant Death Syndrome or
7 SIDS?

8 A. Yes, just about the time I was leaving.
9 There was greater evidence that there were risks
12:00:32 10 associated with ETS and SIDS, yes.

11 Q. And did your materials or programs describe
12 that risk as well to the community?

13 A. Yes.

14 Q. All right. Now you mentioned that the
12:00:48 15 coalitions starting in --

16 Actually, in what year did the coalitions
17 take over contracting with the CBOs, approximately?

18 A. I guess somewhere between 1995 and 1997.
19 Part of their responsibilities was to do some direct
12:01:08 20 funding to agencies.

21 Q. Okay. What I would like to do is take as
22 an example one of the CBOs that your department
23 worked with, and just go through that in order to
24 get an idea, I'm not going to go through each and
12:01:26 25 every page, but just to get an idea of what sort of
26 things outreach CBOs would do.

27 MS. MARTIN: So if we can, because it's so
28 large, I have one copy of the exhibit and I have

1 just one extra copy.

2 If we could mark this as the exhibit next

3 in order.

4 (Deposition Exhibit No. 616 was marked

12:01:44 5 for identification and is bound separately.)

6 (Discussion off the record.)

7 BY MS. MARTIN:

8 Q. Looking at the top document, which bears

9 the Bates number on the bottom right as LAC019012,

12:02:24 10 can you just tell me what this first page is?

11 A. What the first page is?

12 Q. Yes.

13 What is it?

14 A. Tobacco Control Service Agreement Amendment

12:02:38 15 No. 1, a contract between the county and the

16 Economics and Employment Development Center.

17 Q. What is the Economics and Employment

18 Development Center?

19 A. It's a community-based organization.

12:02:50 20 Q. Okay. And your department entered into a

21 contract with this organization in March of 1998?

22 A. Yes.

23 Q. Okay. Let's skip about 20 pages or so to

24 the page, the Bates number that's on the bottom

12:03:26 25 right; it says LAC019031. It's got on that page

26 Tobacco Control Service Program Scope of Work?

27 A. Read the number again.

28 Q. LAC019031.

1 I wonder if you -- I think they are copied
2 out of order.

3 A. Okay. They are different.

4 Q. Well, let's just look at the one at -31.

12:04:18 5 A. Okay.

6 Q. Because that's, the next page says one of
7 11.

8 And could you please describe to me what
9 this document is that begins on this page.

12:04:34 10 A. This is Scope of Work, and it's the section
11 of the contract that describes the goals and
12 objectives that the agencies have to complete:
13 measurable objectives, implementation steps and time
14 lines.

12:04:48 15 Q. Okay. And we were talking earlier about
16 the scope of work as something that is discussed and
17 negotiated between your department and the CBO?

18 A. Yes.

19 Q. And your department ultimately puts the
12:05:00 20 document together?

21 A. Yes.

22 Q. Could you read for me the goal number one
23 of these up at the top here, the Scope of Work for
24 the Economic and Employment Development Center.

12:05:10 25 A. "To provide information to the
26 community regarding risks of ETS.
27 The provision of this information

1 behavioral change in to smoking
2 cessation and reducing exposure of
3 ETS. 80 percent of participants
4 will score 90 percent post tests."

12:05:28 5 Q. What are post tests?

6 A. They were tests given at the end of
7 intervention to measure whether or not the
8 participants gained something from the intervention;
9 did they understand more about risks, in this case

12:05:46 10 the risks of ETS. And sometimes post tests would
11 indicate whether or not they were going to make a
12 change.

13 Q. The information from these post tests is
14 ultimately reported to your department as part of

12:05:58 15 the evaluation processes we were talking about
16 earlier?

17 A. Yes.

18 Q. Okay. Could you just explain to me what
19 the four columns are on this first page, starting

12:06:08 20 with Measurable Objectives.

21 A. Measurable objectives is the quantifiable
22 goals that the agency had to meet as part of their
23 contract, so that we knew and it helped us to
24 understand what they were focusing on. And so we

12:06:28 25 knew the number of units of service that we were

26 purchasing, basically.

27 It would --

28 Q. I'm sorry.

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1 What do you mean by units of service?

2 A. The way that we paid a contractor is for

3 every one-on-one outreach, it was paid, the

4 contractor was paid a certain amount of money. So

12:06:48 5 we knew we were contracting for him to do 800

6 one-on-one outreach intervention implementation.

7 The next column describes the specific

8 tasks or steps that the contractor had to do in

9 order to meet the objective.

12:07:02 10 The Time Line described the period of time,

11 you know, in which your time limitations would take

12 place.

13 And the evaluation column describes the

14 process that we were going to use to know whether or

12:07:20 15 not the limitation steps were happening and the

16 objectives happened.

17 Q. Would you just read into the record the

18 Measurable objectives for this Tobacco Outreach

19 No. 1?

12:07:34 20 A. Provide "800 one-on-one outreach

21 to reach the Southeast Asian

22 community away from agency's routine

23 services."

24 Q. Okay. I think you started with the word

12:07:44 25 "provide."

26 A. Conduct.

27 Q. "Conduct 800 one-on-one outreach.

28 What is a one-on-one outreach?

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1 A. This describes activities that the agency
2 would do where they would go out and encounter
3 people, and you would have an educator from the
4 agency talking directly to one person about ETS.

12:08:12 5 Q. So in -- look at the Implementation column.
6 What was the plan for where you would find
7 these people to outreach?

8 A. It was to go to temples, churches, shopping
9 centers, and cultural events.

12:08:26 10 Q. Okay. Further down under implementation,
11 item 1.4:

12 "Identify, for purchase, materials
13 for distribution to the community with
14 information about risks associated

12:08:36 15 with ETS."

16 Where would these materials come from?

17 A. Sometime the agency would purchase them
18 directly from the Tobacco Control Clearinghouse. I
19 assume they would purchase them from other places.

12:08:56 20 Just from firms that had education materials
21 available for purchase.

22 Q. Okay. Like perhaps the American Lung

23 Association --

24 A. Yes.

12:09:04 25 Q. -- and their pamphlets?

26 A. Yes.

27 Q. Just turn to the next page, real briefly,

28 where it says Tobacco Outreach No. 2.

90

1 What does that mean? I mean, can you
2 explain to me the difference between number one and
3 number two?

4 Is that just --

12:09:36 5 A. Outreach No. 1 refers to outreach
6 activities outside the walls of their agency. And
7 No. 2 allowed them to do one-on-one outreach as
8 people were in their agencies, you know, waiting for
9 other services, for example.

12:09:48 10 Q. I see.

11 Is there any significance to the No. 1 and
12 No. 2 next to the words "Tobacco Outreach"?

13 A. Say it again.

14 Q. Is there any significance to this No. 1 and

12:10:08 15 No. 2?

16 A. No significance by priority. It's just
17 because there were two different types of outreach;
18 one inside the agency and one outside.

19 Q. All right. Is this a standard way of

12:10:20 20 designating outside --

21 A. Yes.

22 Q. -- and inside agency work?

23 A. Yes.

24 Q. I see. Okay.

12:10:26 25 So then on the next page, where it says

26 Tobacco Outreach No. 3, is that a way of

27 characterizing small events?

28 A. Yes.

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1 Q. I see. All right.

2 If you could, just look quickly and just

3 confirm for me that the goal for all Measurable

4 objectives is exactly the same, the goal you read

12:10:56 5 earlier on page one, which is to provide information

6 to the community regarding risks of ETS, et cetera.

7 A. Yes.

8 Q. Okay. Thanks.

9 All right. If you could, could you find

12:11:26 10 for me the document that has Bates number LAC019050?

11 A. Okay.

12 Q. What is this document?

13 A. We paid contractors, there was a preset

14 dollar amount that we reimbursed for every kind of

12:11:52 15 activity with regard to outreach programs and the

16 dollar amount that would be reimbursed. It was

17 different for every type of activity.

18 But in addition to paying by, in addition

19 to paying a fee for service type of payment, we also

12:12:12 20 allowed agencies to bill us for a short period of
21 time at the beginning of their contract; we called
22 it program development.

23 So this was activities that they had to do
24 before services were actually done and that we

12:12:22 25 reimbursed them for.

26 So this was their line item budget for the
27 program line development phase.

28 Q. Including, for example, materials,

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1 purchasing of materials?

2 A. Yes.

3 Q. Can you tell me what the target group or
4 target audience was for the Economic and Employment

12:12:40 5 Development Center?

6 A. This was an Asian community. I can't, I
7 believe -- I am not sure about that.

8 Q. Let's skip forward quite a number of pages
9 to the monthly reports, which begin at LAC019099.

12:13:22 10 Actually, before we get into the monthly
11 reports, this package that comprises the entirety of
12 this Exhibit 616, do you recognize this as,
13 basically, the file on this particular CBO that was
14 kept at your offices?

12:13:42 15 A. Yes.

16 Q. Okay. And I assume you kept a file for
17 each of your CBOs?

18 A. Yes.

19 Q. Were those files organized in any
12:13:54 20 standardized way?
21 A. Yes.
22 Q. Can you describe that, real briefly.
23 A. It started with the actual board-approved
24 contract. Then there was a section where we kept
12:14:04 25 invoices; a section where we kept progress reports,
26 a section where we kept chron notes, which was a
27 telephone, a summary of telephone conversations and
28 site visits made to the agency.

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1 There may have been other sections; I just
2 don't recall.
3 Q. Like maybe correspondence?
4 A. Yes.
12:14:18 5 Q. Or is that the same as chron?
6 A. Actually, would probably be separate.
7 Q. Okay. All right.
8 Then we are turning now then to the Monthly
9 Report section.
12:14:36 10 And looking at the document at LAC019100,
11 can you just tell me what this first page is here?
12 A. This is the first page of the progress
13 report, monthly progress report that the contractor
14 sent to our office.
12:14:52 15 Q. And I notice at the top they have a
16 reporting period?

17 A. Yes.

18 Q. And the reporting period for this is the
19 month of May 1998.

12:15:04 20 And then there is a certification section,
21 correct?

22 A. Yes.

23 Q. What is the purpose of that?

24 A. So that we knew that the executive director
12:15:16 25 or his designee was aware of what their agency was
26 reporting to us.

27 Q. Okay. Could you just read into the record
28 the sentences of the certification.

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1 A. "I certify that the following
2 information is correct and
3 accurately reflects the current
4 status of this project to the
12:15:32 5 best of my knowledge. I will
6 submit one original and one copy
7 of this report, no later than the
8 5th working day of each month, to
9 Public House Planning and Policy
12:15:40 10 Development (510 South Vermont
11 Avenue, 2nd Floor, Los Angeles,
12 California 90020). Reports
13 submitted after the due date will
14 delay invoice payments."

12:15:52 15 Q. Thank you.

16 So is it based on, what we have just read,
17 is that your own understanding that the CBOs
18 completed these monthly reports very soon after the
19 activities of the month took place?

12:16:06 20 A. Yes.

21 Q. And then they would submit them within five
22 days of the beginning of the next month?

23 A. Yes.

24 Q. And in fact, they risked a delay in being
12:16:28 25 paid on their invoices if they didn't submit the
26 reports in time?

27 A. Yes.

28 Q. And these reports were part of the

95

1 materials that you and those in your department
2 would review before putting together the monthly,
3 your own monthly progress report, well, monthly or
4 semi annual or yearly progress reports to the state?

12:16:56 5 A. Correct.

6 Q. All right.

7 Can you just describe for me briefly,
8 generally, what it is that appears under the heading
9 Roman numeral II, Activities/Subcommittee Meetings

12:17:14 10 Attended This Month.

11 A. This is where the agency would describe to
12 us activities that they completed in the month that
13 showed that they were actually working in the

14 community, or showed collaboration with others;
12:17:40 15 showed that they were participating in the
16 coalitions.
17 Q. Okay. Basically, meeting their
18 responsibilities under their contract?
19 A. Yes.
12:17:52 20 Q. And, again, this particular agency, their
21 priority or their goal was in the ETS priority area?
22 A. Correct.
23 Q. And in furtherance of their
24 responsibilities and their goals, they did the
12:18:08 25 activities listed under Group/Event?
26 A. Correct.
27 Q. Okay. And this is, this form is a typical
28 standard form for all of the CBOs?

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1 A. Yes.
2 Q. Actually, I want to skip ahead.
3 Could you tell me, besides the section
4 where they list activities of committee meetings
12:18:46 5 attended this month, what are the other sections or
6 components of this particular form?
7 A. The last section where they were to tell us
8 from their perspective what they thought were the
9 access sources from special highlights from that
12:19:00 10 previous month.
11 Q. What's the purpose of that section?
12 A. It was to help us, in case there were some

13 things that we wanted to highlight to the state,
14 special, you know, success stories or highlights for
12:19:12 15 the county. So we would look for them among this
16 list and decide which ones to use.

17 Q. Okay. The page following, that looks like
18 sort of miscellaneous materials including
19 correspondence and some news articles.

12:19:36 20 Were these materials submitted to you by
21 the CBO?

22 A. Yes.

23 Q. And what was the purpose of these
24 materials, submitting these materials to you?

12:19:48 25 A. Just to demonstrate to us some of the work
26 that they had done, usually related to this section
27 III, Success Stories and Highlights.

28 Q. Okay. Now let's just, if you could, find

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1 for me the document that ends with the numbers
2 19152, the document entitled Economic & Employment
3 Development Center Tobacco Control Program.

4 And then there is the number H 206978.

12:20:34 5 What is that number, do you know?

6 A. Contract number.

7 Q. Contract number?

8 MS. MARTIN: Are you there, Rosemarie?

9 MS. BELDA: Yes.

10 BY MS. MARTIN:

11 Q. It says:
12 "Summary of activities from December 1,
13 1997 through December 31, 1997."
14 What is this document? Is this part of
12:20:52 15 their monthly progress report?
16 A. Oh, it's --
17 Q. I notice it's in the Correspondence
18 section.
19 Is this something that they just forwarded
12:21:04 20 to you?
21 A. I don't know.
22 Q. Actually, if you look at the previous page,
23 this previous page explains or helps you to
24 understand what this summary is, that the summary
12:21:42 25 was forwarded to your department.
26 A. I don't know if it was part of their
27 routine for the monthly report, or it could be
28 something we specially asked for.

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1 Q. Okay. Then looking at the Summary of
2 Activities, could you just read for me the event
3 occurring under the heading I. Material.
4 A. "Translating 'California and Secondhand
12:22:08 5 Smoke' into Vietnamese."
6 Q. What is that title, "California Secondhand
7 Smoke"?
8 A. The name of the educational pamphlet that
9 was developed by the State of California.

12:22:20 10 Q. Was this educational pamphlet made
11 available through your department or perhaps through
12 the Clearinghouse?
13 A. Both.
14 Q. Or both? Okay.

12:22:34 15 And so, basically, under the heading
16 Meetings, they just describe various meetings that
17 they have had pursuant to their responsibilities
18 under the contract?
19 A. Yes.

12:22:44 20 Q. And then under II, Events and
21 Presentations, once again, it's activities, and I
22 guess it's like the outreach activities pursuant to
23 their contract?
24 A. Yes.

12:23:00 25 Q. And can you tell me what ethnicity or
26 target groups to which they outreached?
27 A. Cambodians and Vietnamese.
28 Q. Okay. If you could find for me LAC019159,

99

1 what's this document?
2 A. This is a educational pamphlet called
3 "California and Secondhand Smoke."
4 Q. And would you, well, would you describe to
12:23:54 5 me, basically, the purpose of this pamphlet?
6 A. It's like a fax sheet that people use in
7 one-on-one outreach for smokers for a large-group

8 educational type of event.

9 Q. And I notice that the fax sheet talks about
12:24:16 10 the California Environmental Protection Agency
11 Report entitled "Health Effect of Exposure to
12 Environmental Tobacco Smoke"?

13 A. Yes.

14 Q. And then there is a section entitled
12:24:26 15 "Health Effects Associated with Exposure to
16 Environmental Tobacco Smoke."

17 Did I read that correctly?

18 A. Yes.

19 Q. And underneath they list Effects Causally
12:24:36 20 Associated with ETS Exposure?

21 A. Yes.

22 Q. And there are various categories of effects
23 listed.

24 There are Developmental Effects, correct?

12:24:48 25 A. Yes.

26 Q. Carcinogenic Effects?

27 A. Yes.

28 Q. And Cardiovascular Effects?

100

1 A. Yes.

2 Q. Respiratory Effects?

3 A. Yes.

4 Q. And under all of those headings are more
12:25:00 5 specific effects --

6 A. Yes.

7 Q. -- that have been associated?

8 And we had actually talked about some of

9 them earlier today?

12:25:08 10 A. Yes.

11 Q. Then in addition, there is a section called

12 "Effects with Suggestive Evidence as a Causal

13 Association with ETS Exposure"?

14 A. Yes.

12:25:20 15 Q. And, once again, there is Developmental

16 Effects listed, correct?

17 A. Yes.

18 Q. And Respiratory Effects?

19 A. Yes.

12:25:28 20 Q. And Carcinogenic Effects?

21 A. Yes.

22 Q. With more specific effects, I guess. Okay.

23 And then in addition, this pamphlet lists

24 "Estimated Annual Morbidity and Mortality in

12:25:42 25 Nonsmokers Associated with ETS Exposure"?

26 A. Yes.

27 Q. And can you just summarize or describe for

28 me, briefly, what the information is under that,

101

1 listed under that heading?

2 A. It lists conditions that are associated

3 with ETS exposure, and then describes the number of

4 people in the United States and California who have

12:26:10 5 those conditions causally because of ETS exposure.
6 And then it lists later the source of the
7 information for that.

8 Q. A little thing where it says the number of
9 people or cases?

12:26:20 10 A. Yes.

11 Q. What's listed there?

12 A. The estimated number of people or cases by
13 condition in the United States and California.

14 Q. Okay. And if you turn, flip to the back
12:26:34 15 side of this document, which does not bear a Bates
16 number, can you describe to me what is on the back
17 there?

18 A. The same information but translated into
19 either Cambodian or Vietnamese. I'm not sure which.

12:26:50 20 Q. Okay. Thank you.

21 Finally, let's turn to the section of the
22 file Brochures & Pamphlets, which begins at
23 LAC019177.

24 In general, what is this section of the
12:27:30 25 file?

26 A. This has all of the brochures and pamphlets
27 that the agency used in its activity.

28 Q. Okay. Let's look at all of them.

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1 Let's go to the document that ends with
2 Bates number 19185.

3 And this document is not written in

4 English, correct?

12:28:02 5 A. Correct.

6 Q. What language is it, do you know?

7 A. Vietnamese or Cambodian. I don't know.

8 Q. There is a graphic, a drawing on this page.

9 Can you just describe to me what that

12:28:16 10 drawing is?

11 A. It's one person not smoking surrounded by

12 six people who are smoking.

13 Q. Okay. So this is a non-smoker essentially

14 in the vicinity or being exposed to secondhand

12:28:30 15 smoke?

16 A. Yes.

17 Q. Let's then turn to LAC019193. It appears

18 to be a Material list for Tobacco Prevention Nos. 1

19 and 4.

12:28:54 20 What does that mean, Nos. 1 and 4?

21 A. Probably relates back to the objectives

22 that we spoke of before.

23 Q. Okay.

24 A. So the objectives were numbered, and this

12:29:14 25 relates back to those numbers.

26 Q. Okay. And you are familiar with the

27 materials that are available to CBOs?

28 A. Yes.

1 Q. Can you look under the column Title and, to

2 the extent that you are able to, identify those
3 materials that would be related to or that are
4 related to secondhand smoke or environmental smoke.

12:29:38 5 A. Number one.

6 Q. Could you read that?

7 A. "Children and Environmental Tobacco Smoke."
8 Number six:
9 "Please Don't Smoke in My House."

12:29:50 10 Q. And in what languages is this, "Please
11 Don't Smoke in My House" available?

12 A. English and Vietnamese.

13 Q. I'm sorry. That is, I guess, languages
14 requested by CBOs, would that be?

12:30:04 15 It's hard to tell.

16 A. Yes.

17 Q. Sorry.

18 Going back to number one, what languages
19 are listed there that that material is available in?

12:30:12 20 A. English and Vietnamese.

21 Q. Okay. Anything else that appears to be
22 related to secondhand smoke?

23 A. Number two:
24 "Current facts & statistics
12:30:26 25 regarding tobacco use among
26 Children/Teens."

27 Q. Okay. Do you know more specifically what
28 those facts or statistics were?

1 A. No.

2 Q. Turn, if you would, to, it's an extra long

3 document.

4 I'm sorry.

12:30:50 5 Were there any others on that list?

6 A. No.

7 Q. Okay.

8 It's an oversized page. And the Bates

9 number is 19195.

12:31:22 10 Opening up that document, can you tell me

11 what it is?

12 A. It is a pamphlet translated into an Asian

13 language that describes Assembly Bill 13, which

14 was -- I don't recall exactly what that was about.

12:31:44 15 Q. Would that be smoke-free workplaces?

16 A. Yes.

17 Q. Okay. And did your department do a number

18 of activities related to smoke-free workplaces?

19 A. Yes.

12:31:54 20 Q. A lot of activity?

21 A. Yes.

22 Q. Can you just summarize, briefly, the

23 activities that you engaged in related to AB 13.

24 A. We did outreach to small businesses to let

12:32:12 25 them know about the new law and what it meant to

26 them; what the penalties were for not complying, and

27 providing technical assistance and materials to

28 them, so they could comply, and referral information

1 so that smokers could learn how to stop smoking.

2 We -- it also covered activities that we
3 did in restaurants and in bars regarding the new
4 law.

12:32:36 5 Q. As part of that effort to have people
6 comply with the smoke-free workplaces law, would you
7 or did you describe hazards associated with
8 secondhand smoke?

9 A. Yes.

12:32:52 10 Q. And is there an English version of this
11 pamphlet?

12 A. Oh, yes.

13 Q. In the English version, are there risks
14 associated with secondhand smoke or ETS --

12:33:02 15 A. Yes.

16 Q. -- listed or described?

17 A. Yes.

18 Q. So it would be your understanding, then,
19 that this version would be available in Vietnamese

12:33:10 20 or Cambodian and would have that same information?

21 A. Yes.

22 Q. Okay.

23 MS. MARTIN: Off the record.

24 (The luncheon recess was taken

25 at 12:29 P.M.)

26

27

28

1 APPEARANCES OF COUNSEL:

2 (P.M. SESSION)

3

4 JESSICA MARTIN, ESQ.

5

6 STEVEN T. COOPERSMITH, ESQ.

7

8 ROSEMARIE BELDA, ESQ

9

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11

12

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14

15 REPORTED BY:

16

17 DONNIE A. STICKLEY, C.S.R. No. 9510

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1 (The deposition of INGRID LAMIRAULT
2 was reconvened at 1:26 P.M.)

3 MS. MARTIN: Back on the record.

4

5 INGRID LAMIRAULT,
6 having been previously duly sworn, testified further
7 as follows:

8

9 EXAMINATION (CONTINUING)

01:26:42 10

11 BY MS. MARTIN:

12 Q. Would you turn now, skip ahead to --

13 Just by way of reminding you, we are

14 looking at the file on Economics and Employment

01:26:54 15 Development Center.

16 And I would like to just look at some of
17 the materials that they had submitted.

18 Let's go to 19205.

19 (Discussion off the record.)

20 BY MS. MARTIN:

21 Q. Looking at this document, up on the upper
22 left, it says:

23 "Another Smoke Another Teen."

24 And then it says:

01:27:28 25 "Oaktree High."

26 From this, is it your understanding that
27 this is a document that is intended to speak to or

1 A. Yes.

2 Q. And looking at the drawing on the upper
3 right-hand corner, could you describe to me what's
4 depicted there, and read to me the words that are
01:27:54 5 written there.

6 A. Two figures, and there are lungs showing.
7 And one person is smoking; the other is not. And
8 the words say:

9 "Smoking attacks not only smokers
01:28:10 10 but those around them."

11 Q. Okay. And is it your understanding that is
12 an ETS-related concept?

13 A. Yes.

14 Q. Move forward two pages to a document that
01:28:30 15 is multi pages long, and begins at LAC019207.

16 And can you describe to me what this
17 document is?

18 A. It is an educational pamphlet entitled
19 "Please Don't Smoke in My House." It's translated
01:28:46 20 into an Asian language.

21 Q. Okay. And do you recognize it as materials
22 made available to CBOs from the Clearinghouse?

23 A. Yes.

24 Q. And what is this document?

01:29:06 25 A. Educating about the habit of ETS and giving

26 people information so that they can tell others not
27 to smoke in their house.
28 Q. Let's turn, then, to, skipping a number of

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1 pages, up to 19252.

2 Take a look at that page. And just tell me
3 what it is.

4 A. It's a fax sheet entitled "Children &
01:29:44 5 Environmental Tobacco Smoke," and it discusses the
6 risks to children from being around ETS.

7 Q. Okay. And if you flip to the other side,
8 which does not have a Bates number, what is your
9 understanding of what this other side is?

01:30:00 10 A. That same information translated into an
11 Asian language.

12 Q. All right. And then right on the very next
13 page, could you briefly describe to me what that
14 document is?

01:30:12 15 A. It's a fax sheet entitled "How Cigarette
16 Smoke Is Affecting Our Health and Families."

17 Q. And if you look at the last couple of
18 sentences on the fax sheet, is it your understanding
19 that at least that portion, if not other portions of
01:30:46 20 the fax sheet, is intended to inform about risks
21 associated with ETS?

22 A. Yes.

23 Q. Okay. And describe to me what's on the
24 flip side of this sheet.

01:30:54 25 A. The same information translated into an
26 Asian language.
27 Q. Can you tell which Asian language it is?
28 A. No.

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1 Q. But would it be --
2 A. Probably Vietnamese or Cambodian.
3 Q. Okay. Okay.
4 The very next page, the same thing; please
01:31:12 5 describe to me what it is.
6 A. A fax sheet entitled "Environmental Tobacco
7 Smoke," and gives basic information and statistics
8 about the risks of environmental tobacco smoke.
9 Q. And the back of that page?
01:31:30 10 A. Also translated into either Vietnamese or
11 Cambodian.
12 Q. Okay. And, once again, these fax sheets
13 were submitted to you by the CBO?
14 A. Yes.
01:31:42 15 Q. And they are submitted as part of the proof
16 of its outreach activities and community educational
17 activities?
18 A. Yes. And we had to approve the use of
19 these materials in their activity.
01:31:52 20 Q. Which you ultimately were responsible for
21 approving these materials?
22 A. Yes.

23 Q. Okay. The very next page, can you read to
24 me the title of this document.

01:32:00 25 This is 19255?

26 A. "Smoking and Pregnancy.

27 "Your Baby. Every Time You Smoke,

28 Your Baby Smokes."

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1 Q. And then what is your understanding of what
2 is on the right side column of that page?

3 A. The same information translated into either
4 Cambodian or Vietnamese.

01:32:20 5 Q. Can you summarize briefly for me the
6 information in this document?

7 A. The purpose of the document is to give
8 people information about the hazards of smoking
9 during pregnancy.

01:32:34 10 And also the latter part talks about just
11 smoking around people and the environment.

12 Q. And, for example, can you read to me the
13 very first item under "And What You Can Do."

14 A. "To ask anyone not to smoke around
01:32:50 15 you and in your home or in your car."

16 Q. Thank you.

17 Okay. Just a couple more.

18 The third-to-the-last page, 19279, looks
19 like an agenda presented to Ms. Ingrid Lamirault,

01:33:18 20 Director of L.A. County Tobacco Control Program.

21 Would you please tell me the purpose of

22 this document?

23 A. I don't know if I recall.

24 I don't recall exactly.

01:33:54 25 Q. Do you recall being presented in some
26 manner with this CBO plan to implement its contract?

27 A. During this period, we were having meetings
28 with contractors for them to explain to us what they

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1 had done so far and the difficulties they were
2 having.

3 I don't know exactly what this is.

4 Q. Okay. That's fine.

01:34:26 5 Turning, just look briefly at one, two,
6 three, four, the fifth bullet point, "Large events
7 planning."

8 A. Yes.

9 Q. We were talking earlier about something
01:34:36 10 called Magnet Events.

11 Would these four events fall within that
12 category?

13 A. Yes.

14 Q. So in May of '97, there was the Community
01:34:54 15 Health Fair at Puente Hill Mall in the City of
16 Industry?

17 A. Yes.

18 Q. And in August '97, there was Vietnamese
19 Memorial Day?

01:35:00 20 A. Yes.
21 Q. In September '97, the Moon Festival?
22 A. Yes.
23 Q. Do you know which ethnic group the Moon
24 Festival is celebrated by?

01:35:10 25 A. No.
26 Q. And then January '98 was the Lunar New
27 Year, correct?
28 A. Correct.

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1 Q. And it's your understanding that at these
2 large events the CBO had some involvement in
3 outreaching to the community about health effects
4 associated with ETS?

01:35:36 5 A. They have outreach and education on tobacco
6 and show that they are included in ETS, yes.

7 Q. When we look at their scope of work?

8 A. Their scope of work was that, yes.

9 Q. Okay. Great.

01:35:54 10 Okay. That's it for this. That's it for
11 this document.

12 Thank you.

13 Turning back to the area of the coalitions
14 contracting out to CBOs, I think actually the

01:36:34 15 easiest thing to do would be to mark this.

16 (Deposition Exhibit No. 636 was marked
17 for identification and is bound separately.)

18 BY MS. MARTIN:

19 Q. I will ask you to just take a look at that.
01:36:52 20 And when you are ready, please tell me what
21 Exhibit 636 is.
22 A. This is an analysis report. It was
23 developed by our office and was reviewed by all of
24 the contractors that were conducting community-based
01:37:28 25 outreach and education.
26 Q. Okay. And why did your office create this
27 report?
28 A. Why? It was part of our regular progress

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1 reporting to the state.
2 Q. What was your personal involvement in the
3 creation of this report?
4 A. I directed the staff to complete the work
01:38:00 5 and asked that it be done.
6 Q. What information -- okay.
7 And did you review it when it was done?
8 A. Yes.
9 Q. And did you approve it as part of the
01:38:10 10 progress report to the state?
11 A. Yes.
12 Q. What information forms the basis of this
13 report?
14 A. The evaluation data submitted by the
01:38:22 15 contractors.
16 Q. Okay. Looking at the table that begins

17 halfway down the very first page of Exhibit 617,
18 could you describe to me the format there and the
19 information within that format.

01:38:46 20 A. It's a table with two column. The first is
21 the Form Number. And in that column are the number,
22 is number of the form submitted by the contractor.

23 And the column to the right of that is the
24 objective that relates to each of those forms. So

01:39:06 25 the contractor did activities related to this
26 objective:

27 "Large events to foster awareness
28 of tobacco control issues and

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1 available services."

2 And they completed Form Number 2.1. And
3 data from Form 2.1 was used in this report.

4 Q. Okay. So Form 2.1 is sort of data
01:39:20 5 gathering form?

6 A. And billing form.

7 Q. And a billing form.

8 That would be the same for all of the forms
9 listed in that column?

01:39:26 10 A. Correct.

11 Q. Okay. I will try to move quickly through
12 this document.

13 If you could turn to page three of the
14 document. And right under the heading Business,

01:39:48 15 Community, and Merchant Outreach and Education, the

16 sentence reads:

17 "By compiling the seven

18 community outreach surveys used, a

19 total of 28,235 people participated

01:40:00 20 in tobacco outreach, prevention, and

21 health promotion activities from

22 January 1997 to date."

23 So is that an accurate statement?

24 A. Yes.

01:40:24 25 Q. Okay. And then the next heading in all

26 caps it says:

27 "TOBACCO PREVENTION AND HEALTH PROMOTION."

28 What did that heading signify?

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1 Is that a priority area or a goal?

2 A. It's a type of activity, tobacco prevention

3 and health promotion is a type of activity that

4 could have been conducted in all three priority

01:41:00 5 areas.

6 Q. Okay. And under that heading, I see we

7 have form 2.1 which, if we look back at the table,

8 relates to large events?

9 A. Yes.

01:41:16 10 Q. And it gives a summary of those large

11 events?

12 A. Yes.

13 Q. Okay. And then under "Subjects Covered in

14 the sessions and percentage participation in each
01:41:26 15 included," if you go to the third bullet point, it
16 says:

17 "Environmental effects/health risk
18 to nonsmokers."

19 Then it says 92 percent.

01:41:34 20 A. Correct.

21 Q. What's your understanding of what that 92
22 percent is?

23 A. 92 percent of the large events conducted
24 during the time period, the agency included
01:41:50 25 information about ETS.

26 Q. Okay. And then turning to page four of
27 this document, up at the top, it says:

28 "Effort was made to satisfy ease of

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1 communication for the respondent by
2 making the presentation in a most-
3 familiar language. Languages most used
4 were," and then it breaks it down,
01:42:20 5 "English (74 percent), Spanish (18.5
6 percent), Korean 2.6 percent, Chinese
7 (1.3 percent), and other primary
8 language (18.6 percent)."

9 Did I read that correctly?

01:42:30 10 A. Yes.

11 Q. Is that a reflection of the CBO's outreach
12 efforts in the most comfortable language of the

13 community members for which they were responsible?

14 A. Yes.

01:43:08 15 Q. Within this document, do you see ethnicity
16 breakdowns of the respondents who were communicated
17 with pursuant to the CBO's outreach program?

18 A. Yes.

19 It asked for some of the activity

01:43:26 20 one-on-one. Respondents were asked to identify
21 their ethnic group.

22 Q. Can you just list for me some of the ethnic
23 groups that respondent identified themselves with?

24 A. Mexican; African American; other Hispanic;
01:43:42 25 white; other Asian/Pacific; Central American; Native
26 American.

27 Q. Okay. And those are just some?

28 A. Yes.

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1 Q. Just in skimming through this document, do
2 you see reports of information about environmental
3 tobacco smoke or tobacco smoke?

4 You can tell at the top of page six.

01:44:14 5 A. Yes.

6 Q. And actually, if you go to page nine,
7 towards the bottom half, it says, "Direct Harmful
8 Effects of Smoking," but the very first sentence
9 says:

01:44:34 10 "When asked if secondhand smoke

11 causes heart disease and lung cancer,
12 a resounding 84 percent concurred..."

13 A. Correct.

14 Q. And actually, looking at the first part of
01:44:48 15 the paragraph, directly under that, it states:
16 "Viewing the effects of secondhand
17 smoke on babies and children, 91
18 percent saw it as harmful..."

19 Correct?

01:44:56 20 A. Yes.

21 Q. And if you actually flip back and look at
22 what outreach method this information is related to,
23 it states it's related to tobacco prevention large
24 group peer counselor training --

01:45:16 25 A. Yes.

26 Q. -- is that right?

27 I think that's fine for that document.

28 You mentioned that the agencies are part of

119

1 a number of coalitions?

2 A. Yes.

3 Q. Are the agencies also divided into work
4 groups such as ETS work groups?

01:45:54 5 A. Yes.

6 Q. How does that division work?

7 A. One year we decided that we needed to bring
8 contractors together who were working around certain
9 issues, so they could help us develop programs in a

01:46:12 10 way that were culturally linguistically relevant.

11 And also, since they were doing new
12 activities, we needed a place so we could do just
13 joint problem-solving and hear some of the issues in
14 the community come when they were out in the

01:46:26 15 community doing work. So we brought together groups
16 of contractors. And ETS was one of the areas of the
17 grouping that were made.

18 Q. Did you personally participate in any
19 meetings of the ETS work group?

01:46:40 20 A. Sometimes. Cynthia Hallet was the person
21 who participated in all those matters.

22 Q. So sometimes you participated, but she
23 participated in all of them?

24 A. That's right. Uh-huh.

01:46:50 25 Q. And at these meetings, there were
26 representatives from various agencies focused on the
27 issues surrounding ETS education?

28 A. Yes.

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1 Q. And they would share resources?

2 A. Yes.

3 Q. Or ideas?

4 A. Yes.

01:47:06 5 Q. Okay. And methods of outreach?

6 A. Yes.

7 Q. You mentioned that you ultimately approved

8 materials and were familiar with the materials

9 available to the CBOs?

01:47:22 10 A. Yes.

11 Q. And some of those materials came from

12 Tobacco Education Clearinghouse?

13 A. Yes.

14 MS. MARTIN: If we could please mark as

01:47:30 15 next in order.

16 (Deposition Exhibit No. 637 was marked

17 for identification and is bound separately.)

18 BY MS. MARTIN:

19 Q. If you would take a look at 637, and tell

01:47:48 20 me if you recognize this as an informational

21 document or pamphlet about the Tobacco Education

22 Clearinghouse of California?

23 A. Yes.

24 Q. And just briefly, turn to the second page

01:48:04 25 of the document, which is Bates DHS000704, the

26 bottom half of the page, Materials Distribution

27 System.

28 Could you just read for me the text that

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1 appears below the title Materials Distribution

2 System.

3 A. "Materials are distributed through TECC in

4 several ways:

01:48:28 5 "The TECC sales catalog offers a

6 wide range of culturally diverse

7 materials and promotional items in
8 various formats and languages such
9 as:"

01:48:38 10 Q. Go ahead.

11 A. "Format: Pamphlets, Videos,
12 Posters, Quit Guides. Manuals.
13 "Languages: English, Spanish,
14 Chinese, Korean, Vietnamese, Cambodian,
01:48:52 15 Hmong, Laotian, Samoan."

16 Q. Okay. And so it's your understanding that
17 the various types of materials were in all of these
18 different languages are available through the TECC?

19 A. Yes.

01:49:06 20 Q. Which is shorthand for Tobacco Education
21 Clearinghouse of California?

22 A. Yes.

23 Q. Okay. That's it.

24 For the Tobacco Education Clearinghouse,
01:49:24 25 can we just call it Clearinghouse?

26 A. Yes.

27 Q. Is that how you refer to it?

28 In order for people to know the materials.

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1 They have available, they would put out catalogs
2 from time to time?

3 A. Yes.

4 Q. Would you receive those catalogs?

01:49:34 5 A. Yes.

6 Q. And review those catalogs?

7 A. Yes.

8 Q. Okay.

9 MS. MARTIN: If we could have marked as

01:49:44 10 Exhibit 638, I believe.

11 (Deposition Exhibit No. 638 was marked

12 for identification and is bound separately.)

13 MS. MARTIN: Do you want a copy?

14 MS. BELDA: Thank you.

01:50:00 15 MS. MARTIN: Here we go.

16 BY MS. MARTIN:

17 Q. And do you recognize Exhibit 638 as a

18 catalog of tobacco education materials put out by

19 the Clearinghouse?

01:50:08 20 A. Yes.

21 Q. Okay. See if we can't work through it.

22 If you can turn to the fourth page of

23 Exhibit 638, which is a Table of Contents, with

24 Bates numbers ending 1674.

01:50:32 25 Do you recognize the Table of Contents as

26 being divided into the three program priority areas

27 for the Tobacco Control Program of the State?

28 A. Yes.

1 Q. And the second priority area reduces

2 exposure to ETS, and in this catalog, it includes

3 cessation materials?

4 A. Yes.

01:50:56 5 Q. Could you just read for me briefly the
6 target audiences by which this table of contents
7 divides out those materials?

8 A. "General Audiences, African
9 Americans/Black Audiences, American
01:51:10 10 Indian Audiences, Asian/Pacific
11 Islander Audiences, Hispanic/ Latino
12 Audiences."

13 Q. Okay, it looks like the range for these
14 materials is from ages 14 to 31?

01:51:20 15 A. Yes.

16 Q. Let's turn to page 14 of the document.
17 What I would like to do is just take out a
18 few of the materials that are related to ETS and
19 talk about some of them.

01:51:40 20 So on this page, there is in the upper
21 right-hand corner:

22 "Keep Me Tobacco Free! Infant T-shirt."

23 A. Yes.

24 Q. Under "Keep Me Tobacco Free!" the
01:51:50 25 description for that item is:

26 "Great incentive for new parents.
27 A wonderful way to emphasize the
28 need to keep secondhand smoke away

2 Can you tell me the target audience
3 described for this document, I mean for this item?
4 A. "Parents and family members of new
01:52:10 5 babies."
6 Q. What language is this item available in?
7 A. Spanish, Laotian, Khmer, Hmong and English.
8 Khmer, K-H-M-E-R; Hmong, H-M-O-N-G.
9 Q. Okay, turning to the next page, there is in
01:52:30 10 the upper right-hand corner Smoke Signals is the
11 item, and there is actually the symbol of it looks
12 like the world or earth.
13 Do you know what that symbol signifies?
14 A. No.
01:52:46 15 Q. Turning to, actually turning back to the
16 Table of Contents, it just simply states:
17 "Items marked with this symbol,"
18 meaning the world symbol, "have been
19 reviewed by a TECC Expert Review
01:53:02 20 Committee for cultural, educational
21 and language appropriateness for the
22 target audiences."
23 So is that your understanding of what that
24 signal is for?
01:53:10 25 A. Yes.
26 Q. Or symbol. Excuse me.
27 Back to page 15, would you just read to me
28 the first sentence of the description under Smoke

1 Signals.

2 A. "Pamphlet for parents discusses

3 dangers of secondhand smoke."

4 Q. And what language is it available in?

01:53:32 5 A. Spanish; Asian, Spanish and Cambodian.

6 Q. Target audience?

7 A. "Parents, daycare providers, caring..."

8 Q. Caring adults?

9 A. Oh, yes: "Caring adults."

01:53:44 10 Q. Okay.

11 A. Thank you.

12 Q. Just looking at the item below:

13 "You Are Not The Only One Who Will

14 Breathe Easier.

01:53:52 15 "Discusses the dangers of smoking

16 for pregnant women and babies, as well

17 as the dangers of being exposed to

18 secondhand smoke."

19 And this pamphlet appears to be available

01:54:02 20 in English and Spanish, correct?

21 A. Yes.

22 Q. And the target audience for this item?

23 A. "Pregnant teens and women, mothers

24 and family members."

01:54:14 25 Q. Turning to the next page, in the lower

26 right-hand corner, can you read to me what that item

27 is?

28 A. "Pledge Postcard for Smoke-Free Homes

1 and Cars."

2 Q. Have you ever seen this pledge card?

3 A. Yes.

4 Q. Can you describe to me what it is?

01:54:32 5 A. Something that you would give audiences

6 after intervention, where they are making a

7 voluntary pledge that they will no longer smoke in

8 their homes and in their cars.

9 Q. And in what language is this available in?

01:54:46 10 A. English and Spanish.

11 Q. And the target audience?

12 A. It says general.

13 Q. Let's skip forward to page 18 of this

14 document, in the upper left-hand a corner pamphlet:

01:55:06 15 "Assembly Bill 13: California's law

16 for a SmokeFree Workplace."

17 Do you recognize that item?

18 A. Yes.

19 Q. And is that the English version of the item

01:55:16 20 we looked at earlier today, which was in an Asian

21 language?

22 A. Yes.

23 Q. And it's just simply an informational

24 pamphlet on AB 13?

01:55:24 25 A. Yes.

26 Q. And it includes information about risks

27 associated with ETS?

28 A. Yes.

1 Q. Okay. Right to the right of that, would
2 you --
3 What is that next item?
4 A. This image originally started as a
01:55:40 5 billboard.
6 Q. What's the title of it?
7 A. "Mind if I smoke?"
8 "Care if I die?"
9 Q. So what is this item?
01:55:56 10 It's not, I would imagine it's not a
11 billboard?
12 A. No. I think they turned it into a sticker.
13 Q. Doesn't say, actually?
14 A. It was a poster, 23 by 11 poster.
01:56:10 15 Q. Okay. There you go.
16 Okay. The next page, it looks like that
17 same image is available on --
18 A. Postcard.
19 Q. -- a postcard.
01:56:24 20 And it's also available on posters or on
21 T-shirts?
22 A. Yes.
23 Q. Okay. Right below that, can you describe
24 to me what that pamphlet is?
01:56:34 25 That's on page 19.
26 A. It's entitled:
27 "If You're Having Problems with
28 Family Members About Cigarette Smoking."

1 Q. What is that?

2 A. It says it's to give practical ways to
3 communicate to others to stop smoking, stop smoking
4 in the home.

01:56:52 5 Q. Have you seen this pamphlet?

6 A. Yes.

7 Q. What is it? What's its purpose? What is
8 it specifically to help people do?

9 A. To learn some effective ways of asking
01:57:08 10 other people not to smoke in their homes and in
11 their cars.

12 Q. The target audience for this document -- or
13 I'm sorry -- this item?

14 A. Youth and adults.

01:57:22 15 Q. By youth, can you tell me what age range
16 you understand this document to be, or this pamphlet
17 to be targeted at?

18 A. We typically thought of youth as like 12 to
19 21.

01:57:42 20 Q. Okay. Turning to page 20, first of all,
21 right at the top, can you tell me what audience this
22 page is targeted at?

23 A. African American/Black Audiences.

24 Q. Okay. And in the upper right, it says it's
01:58:00 25 a magazine available called "It's All About Us."

26 And it appears that it discusses health
27 effects of smoking and secondhand smoke, among other

1 A. Correct, yes.

2 Q. And turning to the next page, page 21, it
3 appears that this is a page that described videos.

4 Well, up at the top it states "Videos for
01:58:30 5 African American/Black Audiences."

6 And on the left, it says:

7 "For You and Your Family Trainer/Provider
8 Guide."

9 Let's start right off:

01:58:44 10 Who is the target audience for this item?

11 A. "Health education trainers and providers."

12 Q. And could you read for me the first
13 sentence of the description of this item.

14 A. "For use in implementing perinatal smoking
15 education trainings and counseling
16 interventions for women in four ethnic groups:
17 African American/Black, American Indian,
18 Asian/Pacific Islander, and Hispanic/Latina."

19 Q. Okay. And then a couple of sentences down,
01:59:14 20 it says:

21 "Provider's guide contains ethnic-specific
22 interventions for women who smoke and/or live
23 with smokers."

24 Correct?

01:59:22 25 A. Yes.

26 Q. Is it your understanding that some of the
27 information, therefore, would discuss issues related
28 to secondhand smoke?

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1 A. Yes.

2 Q. And then the video appearing, the video
3 item appearing below is called "Reaching Across
4 Cultures," and it's described as:

01:59:46 5 "Training video for perinatal providers
6 on smoking cessation and ETS-oriented
7 counseling designed for women from four
8 ethnic groups."

9 Correct?

01:59:52 10 A. Yes.

11 Q. First of all, can you tell me what your
12 understanding of perinatal procedures is?

13 A. Physicians, nurses, nutritionists and other
14 people who interact with perinatal care; that is

02:00:08 15 prenatal care, essentially.

16 Q. Okay. Thanks.

17 Skipping to page 23, there is an item in
18 the lower left called Passive Smoke, and it has the
19 little world symbol.

02:00:28 20 First of all, who is the target audience
21 for that item?

22 A. "American Indian pregnant and
23 parenting women."

24 Q. And the description is:

02:00:38 25 "Urges readers to protect their babies
26 and other loved ones by reducing their
27 exposure to passive smoke."
28 Correct?

131

1 A. Yes.

2 Q. Okay. On page 25, at the top of the page,
3 what audience group are we talking about here?

4 It's mentioned up at the top.

02:01:04 5 A. Sorry.

6 Asian/Pacific Islander Audiences.

7 Q. Okay. And reading along the side of the
8 page, what priority area is that addressed by this
9 page?

02:01:14 10 A. "Reduced exposure to ETS."

11 Q. Okay. In the upper left-hand corner, do
12 you see an item directed at the Hmong community?

13 A. Yes.

14 Q. Particularly Hmong parents?

02:01:28 15 A. Yes.

16 Q. Just below that is an item for the
17 Cambodian community?

18 A. Yes.

19 Q. And the target audience is Cambodian

02:01:36 20 parents, day care providers and other day caring
21 adults?

22 A. Yes.

23 Q. And to the right is the "Please Don't Smoke
24 in My House" pamphlet that we saw earlier --

02:01:46 25 A. Yes.

26 Q. -- correct?

27 And could you read for me the first two

28 sentences of, actually the first three sentences of

132

1 the description for that item.

2 A. "Printed separately in Vietnamese,
3 Korean, Chinese and Cambodian (includes
4 English translation). Discusses hazards

02:02:12 5 of secondhand smoke on pregnant women

6 and their families. Encourages women to
7 support their loved ones to quit."

8 Q. Okay. And the next page, lower left,

9 "Smoking and Your Baby," appears to be a pamphlet

02:02:34 10 in various languages:

11 "Discusses the dangers of smoking
12 during pregnancy and the effects of
13 secondhand smoke on family members."

14 Correct?

02:02:42 15 A. Yes.

16 Q. The target audience is Asian/Pacific
17 Islander parents?

18 A. Yes.

19 Q. And straight across to the right, the

02:02:54 20 second item down in the right column, "Our Children,

21 Our Future."

22 And in what language is that item?
23 A. Laotian.
24 Q. Okay. And the description of that item is:
02:03:04 25 "Explains that, although smoking is
26 the norm for Laotian men, cigarettes are
27 hazardous to one's health, causing lung
28 cancer and other diseases. Discusses

133

1 addictive nature of nicotine and hazards
2 of secondhand smoke, especially for
3 children."
4 Correct?
02:03:18 5 A. Yes.
6 Q. Okay. The next page the lower left-hand
7 item, "Another Killing Field."
8 What is the target audience for that item?
9 A. Cambodian adults.
02:03:40 10 Q. Okay. And does that item address ETS
11 issues or secondhand smoke issues?
12 A. Yes.
13 Q. Okay. In the upper right, "Victory Over
14 Smoking/Cigarettes! You can quit."
02:03:54 15 Does that item address, among other things,
16 hazards associated with secondhand smoke?
17 A. Yes.
18 Q. Okay. And in what language is that item
19 available?

02:04:06 20 A. Chinese and Korean.
21 Q. Okay. Turning to page 29, looking at the
22 top, can you describe for me the target audience for
23 these items?
24 A. Hispanic/Latino audiences.
02:04:36 25 Q. Okay. And the program priority area of
26 these items?
27 A. Exposure to ETS.
28 Q. Okay. It appears that all four items on

134

1 this page address secondhand smoke issues.
2 If you will take a moment and confirm that
3 for me.
4 A. Yes.
02:05:06 5 Q. Okay. And the target audience is
6 Hispanic/Latino, well, Latina pregnant and parenting
7 women for intervention care, correct?
8 A. Yes.
9 Q. And for Latina women smokers, La Mujer
02:05:24 10 magazine?
11 A. Yes.
12 Q. And in the upper left-hand corner, "Senales
13 de Humo," could you describe to me the target
14 audience for that item?
02:05:36 15 A. Spanish-speaking parents, day care
16 providers and other caring adults.
17 Q. And the "Si el Fumar Esta Causando
18 problemas Entre Ud. y Sus Familiares," that item

19 which is on the lower right-hand corner of this
02:06:00 20 page, is in what language?
21 A. Spanish.
22 Q. Okay. And what is the item?
23 A. It's a pamphlet, and it talks to, gives
24 people practical ways to communicate about smoking
02:06:14 25 issues at home.
26 Q. I think it's the Spanish version of the
27 document we saw earlier?
28 A. Yes.

135

1 Q. Okay. Great.
2 The last item I want to talk about is on
3 page 31 in the bottom right-hand corner.
4 All of the products listed on this page are
02:06:46 5 videos, correct?
6 A. Yes.
7 Q. And could you tell me the title of the
8 video described in the lower right-hand corner
9 there?
02:06:54 10 A. "My Baby's Smoking? My Baby's smoking."
11 Q. Go ahead and read the description.
12 A. "Portrays Latino family overwhelmed
13 by secondhand smoke from the father.
14 On advice from her doctor, the pregnant
02:07:06 15 mother and her children encourage and
16 support the father as he quits smoking."

17 Q. In what language is this video available?
18 A. In Spanish and English.
19 Q. Okay. And the target audience to this
02:07:20 20 item?
21 A. Latina pregnant and parenting women.
22 Q. Thank you very much.
23 MS. MARTIN: Off the record for a second.
24 (Discussion off the record.)
02:08:12 25 MS. MARTIN: Back on the record.
26 BY MS. MARTIN:
27 Q. What I would like to do is just look at a
28 few items that we have seen in the catalog.

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1 MS. MARTIN: Let's have marked as next in
2 order.
3 (Deposition Exhibit No. 639 was marked
4 for identification and is bound separately.)
5 BY MS. MARTIN:
6 Q. When you are ready, would you please tell
7 me what Exhibit 639 is?
8 A. It's a pamphlet called "Assembly Bill 13:
9 California's Law for Smokefree Workplace."
02:08:56 10 Q. Okay. And is this the pamphlet that we saw
11 in the catalog?
12 A. Yes.
13 Q. And that we also saw in another language
14 earlier today?
02:09:02 15 A. Yes.

16 Q. All right. We will move through the next
17 exhibit.
18 MS. MARTIN: The next exhibit, please.
19 (Deposition Exhibit No. 640 was marked
02:09:24 20 for identification and is bound separately.)
21 BY MS. MARTIN:
22 Q. Do you recognize this Exhibit 640 as a
23 Spanish translation of the "Smoke Signal" --
24 A. Yes.
02:09:56 25 Q. -- pamphlet that we have, that we had
26 earlier looked at in the Clearinghouse catalog?
27 A. Yes.
28 MS. MARTIN: And one more; would you please

137

1 mark that.
2 (Deposition Exhibit No. 641 was marked
3 for identification and is bound separately.)
4 BY MS. MARTIN:
02:10:42 5 Q. Would you please describe to me what
6 Exhibit 641 is?
7 A. It's a pamphlet "Please Don't Smoke In My
8 House," translated into an Asian language.
9 Q. Okay. Is this a pamphlet that we --
02:10:58 10 Well, we saw this, I think, earlier in the
11 CBO file we were looking at --
12 A. Yes.
13 Q. -- as well as --

14 A. That's correct.

02:11:08 15 Q. -- in the Clearinghouse catalog?

16 A. Yes.

17 Q. And it's translated into an Asian language,

18 but it also has the English version side by side,

19 essentially --

02:11:20 20 A. Yes.

21 Q. -- correct?

22 Would you tell me what the purpose of this

23 pamphlet is?

24 A. It talks about the hazards of environmental

02:11:50 25 tobacco smoke for children and for adults, and

26 offers suggestions of how to ask people not to smoke

27 around you.

28 Q. And if you look at actually the fourth page

138

1 of the pamphlet, it says "Pregnant Women," and it

2 also offers information to pregnant women about

3 being around secondhand smoke?

4 A. Yes.

02:12:40 5 Q. Actually sort of accidentally attached to

6 the last few pages of this exhibit, you will see the

7 pamphlet on AB 13 that we earlier saw; correct?

8 A. Yes.

9 Q. As well as what appears to be a No

02:12:58 10 "Smoking" sign in another, in an Asian language?

11 A. Yes.

12 Q. As well as another informational pamphlet

13 in an Asian language?

14 A. Yes.

02:13:06 15 Q. Okay.

16 MS. MARTIN: Let's go ahead and take a
17 break now for about five minutes.

18 (Recess taken.)

19 BY MS. MARTIN:

02:23:28 20 Q. Okay. We talked earlier about progress
21 reports that your department prepares for the state,
22 correct?

23 A. Yes.

24 Q. And part of your responsibility was to
02:23:44 25 review the progress reports while they are being
26 created --

27 A. Yes.

28 Q. -- and after they were completed --

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1 A. Yes.

2 Q. -- for submission to the state?

3 A. Yes.

4 Q. Okay. And how often would or did you
02:23:56 5 submit progress reports?

6 A. I believe it was once every six months on
7 an annual -- every six months, essentially.

8 Q. Every six months, essentially.

9 Then from time to time did you submit
02:24:10 10 comprehensive reports?

11 A. Yes.

12 Q. What was the time period generally covered
13 by those reports?

14 A. A year.

02:24:20 15 Q. A year or -- well, we will look at one, and
16 we will see how it goes.

17 A. I don't recall.

18 Q. Will you remind me again: When you took
19 your current position at the county DHS or when you

02:24:36 20 went from --

21 A. January of 1998.

22 Q. Okay.

23 MS. MARTIN: Let's go ahead and mark 642.

24 (Deposition Exhibit No. 642 was marked

02:24:54 25 for identification and is bound separately.)

26 BY MS. MARTIN:

27 Q. Do you recognize 642 as the Cover Sheet for
28 the final Comprehensive Progress Report for the

140

1 period July 1, '96 to June 30, '98?

2 A. Yes.

3 Q. Could you please describe for me the
4 purpose of the cover sheet?

02:25:30 5 A. It contains information about the contract,
6 the dollar amount of the contract, about the state
7 and county contract; the contract term, certifying
8 information that the contract was completed by the
9 Project Director and signed by the chair of the

02:25:44 10 coalition.

11 Q. Okay. And could you please read for me the
12 certification language?

13 A. "I affirm that the information
14 presented in this report accurately

02:25:56 15 reflects the current status of this
16 project."

17 Q. Okay. And was this report finalized at or
18 about the time on or about the date on which the
19 Project Director and Coalition Chairperson signed

02:26:18 20 the report?

21 A. It was done, I mean it was finalized after
22 December 1998. I know that because it was signed by
23 the new director.

24 Q. Okay. Then this report covers sort of how

02:26:44 25 long a time frame?

26 A. Two and a half years.

27 Q. Okay.

28 A. Or three.

141

1 Q. And for at least part of that two and a
2 half years, you were the director?

3 A. Director in this time period, during this
4 entire period.

02:27:00 5 Q. Oh, during this entire period.

6 What does it mean when it says "Revised"

7 next to the Final Comprehensive Report, July 1, '96

8 to June 30, '98?

9 A. I don't know.

02:27:12 10 Q. You don't? Okay.

11 Okay. The next page. Actually don't need

12 to talk about that.

13 If you would turn to the third page of this

14 report, which is Bates DHS00018951.

02:27:52 15 Would you please describe to me what the

16 document, that begins with this page, is?

17 A. It's says Enclosure Form Checklist. It's

18 the items that have to be included in the report.

19 Q. Okay. And what is the purpose of the

02:28:04 20 checklist?

21 A. Just to help the person preparing the

22 report ensure that all the, that all the required

23 items are included.

24 Q. Okay. And as part of the checklist, it

02:28:18 25 looks like there is a listing of attachments?

26 A. Yes.

27 Q. Could you just describe for me the format

28 of that table and what is included in each column?

142

1 A. The first column identifies the objective

2 number. The second column identifies the attachment

3 number for that objective. And the third column is

4 a description of the attachment.

02:28:42 5 Q. Okay. Looking at the objective numbers,

6 what are those? What do those numbers correlate

7 with or to?

8 A. I don't know. I can't tell.

9 Q. Is it possible, or do they correlate to the

02:29:26 10 scope of work or work plan activities form that

11 begins on 18991?

12 A. I don't know exactly.

13 Q. That's fine; that's fine.

14 Let's turn back to the checklist.

02:30:30 15 So, basically, this attachment portion is

16 just a listing of documents attached as part of the

17 support for this progress report?

18 A. That's right.

19 Q. All right.

02:30:50 20 Would you please turn to 18953. It's a

21 document entitled Collaboration Tracking Form.

22 Will you please just review this document,

23 and tell me what it is.

24 A. It's giving information to the state about

02:31:08 25 how effective we were in meeting the requirements to

26 have a community coalition. It describes the number

27 of meetings that was conducted during the period,

28 and then talks about whether or not the County

143

1 Department of Health Services participated in the

2 local coalitions and other coalitions and regions of

3 the state.

4 Q. And there is an item for conferences and to

02:31:40 5 specify. It looks like it was typed in six African
6 American and five Native American, correct?
7 A. Yes.
8 Q. What conferences are referred to on this
9 document?

02:31:54 10 A. Conferences that were conducted by the
11 state-wide coalition or Native American state-wide
12 coalition.

13 Q. Okay. And what type of conferences would
14 these coalitions attend?

02:32:08 15 A. These are conferences put on by the
16 state-funded coalition networks. And it would be a
17 conference that lasts for two to three days. And
18 people would learn information about the Tobacco
19 Control issue or the new laws that were out there,
02:32:26 20 and just kind of an educational conference.

21 Q. And it would include information or new
22 information about risks associated with ETS?

23 A. Yes.

24 Q. Okay.

02:32:48 25 Okay. Let's turn to the next component of
26 the progress report which is five pages long and
27 entitled Project Staffing Norm.

28 Would you please tell me what this

144

1 component is?

2 A. It identifies over the, from the period of
3 July '96 to June '98 all employees that worked in

4 the Tobacco Control Program, their titles and the
02:33:20 5 amount of time they have spent on the project and
6 the time period that they worked and the salaries.
7 Q. Okay. Just looking briefly at these three
8 pages of names working on the Tobacco Control
9 Project of your department, it appears that most are
02:33:38 10 full-time employees on the project?

11 A. Correct.

12 Q. Okay. We can move on to the next
13 component, which is three pages long.

14 What is the next component of the progress
02:33:58 15 report?

16 A. During the same period, it identifies the
17 names of agencies that we contracted with for
18 consultants that we used for mini-grantees and the
19 agencies that the coalition contracted with.

02:34:16 20 Q. Oh, okay.

21 And could you just briefly describe for me
22 the columns, the tables for this component?

23 A. It describes, gives the name of the
24 contractor/consultant or mini-grantee, their federal
02:34:44 25 I.D. number, the description of the contract
26 services, the start and end date, the contract
27 amount, and the actual expenses billed during the
28 period.

1 Q. Okay. I notice there is a small second

2 column entitled Type?

3 A. Yes.

4 Q. And every one appears to be Type S?

02:35:02 5 A. Subcontractor.

6 Q. Oh, subcontractors. Okay.

7 And just skimming through the names of the

8 subcontractors that is on the very first page, are

9 all of those CBOs?

02:35:28 10 A. Yes, on the first page.

11 Q. Okay. And on the second page?

12 A. Additional statements of all CBOs. There

13 is the City of Santa Clara; Culver City Unified

14 School District, and everyone else we would have

02:35:54 15 classified as a community organization.

16 Q. And moving to the last page, it looks like

17 there the first two are community and merchant

18 education CBOs?

19 A. Correct.

02:36:18 20 Q. Or actually the third one is also a

21 merchant education?

22 A. Correct.

23 Q. -- project?

24 And then Asher & Partners; that's your

02:36:26 25 advertising firm --

26 A. Yes.

27 Q. -- that you contracted with?

28 And your contract with them was for how

1 much during that period?

2 A. \$2 million.

3 Q. That's the contract amount; it's \$2

4 million, but they only spent \$431,400?

02:36:50 5 A. \$2 million was the maximum obligation.

6 Q. I got it. Okay.

7 And also during this period, you had a

8 contract with Carol H. Williams Advertising?

9 A. Yes.

02:37:00 10 Q. And which we talked about that earlier, as

11 well as Durazo Communications?

12 A. Yes.

13 Q. And they're the P.R. firm for the

14 Latino/Hispanic community?

02:37:08 15 A. Yes.

16 Q. And underneath that is Community Television

17 of Southern California, KCET?

18 A. Yes.

19 Q. Can you describe for me that what appears

02:37:22 20 to be a public relations contract?

21 Can you describe for me the activities

22 taken pursuant to that contract?

23 A. KCET is a local public television station.

24 And they were contracted to develop two

02:37:46 25 documentaries. One was about looking at the history

26 of women and tobacco use, and the other one was

27 looking at how different communities in Los Angeles

28 County have been effective in doing Tobacco Control

1 work, and how they actually have changed the health
2 of communities by doing so.

3 Q. Meaning what?

4 A. Changed the health of the communities by
02:38:04 5 doing Tobacco Control.

6 Q. And did these documentaries air?

7 A. Yes.

8 Q. On what channel?

9 A. KCET, which is Channel 28 here.

02:38:20 10 Q. Okay. And did any of, any portion of these
11 documentaries discuss secondhand smoke or ETS?

12 A. The documentary about how communities have
13 developed their own Tobacco Control activities
14 includes a portion of ETS.

02:38:38 15 Q. And for what target audience were these
16 documentaries created?

17 A. General audiences and policymakers, yes.

18 Q. When you say policymakers who are you
19 talking about?

02:38:52 20 A. Community leaders, legislators; other
21 people who can develop laws about Tobacco Control.

22 Q. And who, can you give me a example of a
23 community leader?

24 A. Many, like executive directors of
02:39:20 25 community-based organizations; many school
26 principals, and that kind of thing; people who
27 represent their community and are leaders in their
28 community.

1 Q. Okay. And then underneath that
2 subcontractor is listed Rogers & Associates --
3 A. Yes.
4 Q. -- who we talked about earlier.
02:39:42 5 And their contract amount was for how much?
6 A. \$250,000.
7 Q. Of which they expended, used or spent how
8 much --
9 A. \$226,000 during the period.
02:39:50 10 Q. -- approximately.
11 And this was a relatively recent period.
12 Can you tell me specifically some of the
13 things they did where you were?
14 A. The initial enactment of AB 13 in the
02:40:16 15 beginning of 1998, they helped get publicity out
16 about what the new law was and how, and how
17 restaurants and bars and other workplaces needed to
18 comply with the law.
19 Q. As part of the P.R. about AB 13, which I
02:40:40 20 understand is the smoke-free workplace law, wrapped
21 within that effort, was there communication related
22 to secondhand smoke and information related to
23 secondhand smoke communicated to others about
24 secondhand smoke?
02:40:54 25 A. Yes.
26 Q. I think you had previously indicated you
27 had discussion with Rogers and others about
28 appropriate target audiences for their services?

1 A. Yes.

2 Q. Including general audiences, correct?

3 A. Yes.

4 Q. As well as ethnic target audiences?

02:41:10 5 A. Yes.

6 Q. As well as youth?

7 A. Yes.

8 Q. On the very next page, can you describe to
9 me what that is.

02:41:32 10 I'm sorry. It's the page ending with the
11 numbers 18960.

12 A. It's a listing to give the state a summary
13 of all of the materials that we developed during the
14 summary period.

02:41:44 15 Q. And let's look at just a couple of those
16 materials.

17 Material number one, would you read to me
18 what it says there?

19 A. I need to read it a second.

02:42:08 20 Q. Take your time.

21 A. Go ahead.

22 Q. Okay. And what was item number one?

23 A. This is, number one is the answer to the
24 question of what is the format of the material.

02:42:22 25 These eight questions are about one particular type
26 of media material that was developed.

27 Q. And so what was the format of this

1 A. The videotape that contained the ads that
2 we placed into movie theaters, anti-tobacco movie
3 trailers.

4 Q. And I see you have the target population
02:42:40 5 listed here.

6 Could you read that into the record,
7 please.

8 A. "Main stream - adolescent and adults."

9 Q. Okay. And these videotapes were in
02:42:48 10 English.

11 Would you please read the objective of this
12 videotape.

13 A. The objective of the videotape, it had ads,
14 and the ads, the purpose of the ads was to:

02:43:02 15 "In a lighthearted manner, remind
16 the public that smoking is hazardous
17 to their health."

18 Q. Who was the agency that helped you to
19 develop the ad?

02:43:10 20 A. Asher & Partners.

21 Q. Okay. And I believe the next page, Bates
22 18961, is an actual transcript of the ad; is that
23 correct?

24 A. One of the ads, yes.

02:43:32 25 Q. And one of the ads, at the top it says

26 Asher/Gould Advertising; underneath it says "As
27 Produced."
28 What does that mean, "As Produced"?

151

1 A. This is an actual narrative of the ad.

2 Q. Okay. And the ad was a movie trailer?

3 A. Yes.

4 Q. What did that mean?

02:43:58 5 A. It a 30- to 60-second visual that showed on
6 the movie screen prior to the movie showing.

7 Q. Okay. What was the title of this
8 particular video?

9 A. "Equation."

02:44:18 10 Q. And based on the description on the
11 previous page, is it your understanding that this is
12 one of the ads whose objective was to, in a
13 lighthearted manner, remind the public that smoking
14 is hazardous to their health?

02:44:32 15 A. Yes.

16 Q. Go to the next page, 18962.

17 Is this a narrative of another ad that was
18 created?

19 A. Yes.

02:44:44 20 Q. Another movie trailer?

21 A. Yes.

22 Q. And what's the title of this one?

23 A. "Breaking the Law."

24 Q. And the source of this ad was the same as

02:45:00 25 the previous one?

26 A. Yes.

27 Q. And the next page, is this another video ad

28 created by Asher & Partners?

152

1 A. Yes.

2 Q. Another movie trailer?

3 A. Yes.

4 Q. Entitled "Cheap Shot"?

02:45:22 5 A. Yes.

6 Q. With the same objective?

7 A. Yes.

8 Q. Finally, the next page.

9 And this was yet a fourth video movie

02:45:34 10 trailer?

11 A. Yes.

12 Q. Created by Asher & Partners?

13 A. Correct.

14 Q. And the title of this one?

02:45:40 15 A. "Poem."

16 Q. "Poem." Okay.

17 And the objective of this ad was the same,

18 which is to lightheartedly inform about the dangers

19 of secondhand smoke?

02:45:52 20 A. Yes.

21 Q. Okay. Well, we will quickly go to the next

22 page.

23 In the upper right-hand corner, it says

24 Attachment F. This is Bates 18965.

02:46:08 25 What is this form?

26 A. Annotation of Local Media and Educational

27 Materials, Materials Development Form.

28 Q. What's the purpose of this form?

153

1 A. To describe to the state what educational

2 materials such as pamphlets would be developed

3 during this period.

4 Q. And it appears there were no educational

02:46:32 5 materials developed to report for this period, is

6 that correct?

7 A. Correct.

8 Q. And is that not to say there were no

9 educational materials developed in all of the county

02:46:46 10 but just not by, not through your program?

11 A. We didn't develop any new original

12 material. We advanced translations, but didn't

13 develop anything original.

14 Q. Okay. But educational materials developed

02:47:00 15 by the Department of Education would not be

16 reflected in here, correct?

17 A. Correct.

18 Q. All right. Let's move to the next

19 component, which is the largest component of the

02:47:16 20 progress report. And it begins, I believe it begins

21 at DHS00018966, and goes all the way up to the Bates

22 number ending 18987.

23 Would you please describe to me what this

24 component is.

02:47:44 25 A. This is a description of our coalition

26 activities coalition, Tobacco Control Alliance.

27 MS. MARTIN: Just one moment.

28 (Discussion off the record.)

154

1 MS. MARTIN: Would you please repeat her

2 answer.

3 (The record was read as follows:

4 This is a description of our

5 coalition activities

6 coalition...")

7 MS. MARTIN: Let me start again.

8 BY MS. MARTIN:

9 Q. Would you please describe for me what this

02:48:52 10 component of the progress report is?

11 A. The purpose is to describe the county's

12 coalition activities.

13 Q. Okay. And it's entitled Coalition

14 Membership Form?

02:49:04 15 A. Correct.

16 Q. And it appears to have a sort of

17 complicated table format, correct?

18 A. Yes.

19 Q. Is this format dictated by the state?

02:49:18 20 A. Yes.

21 Q. Up on the upper left-hand corner, right on

22 the top of the table, it says Tobacco Control

23 Alliance?

24 A. Yes.

02:49:32 25 Q. Is that intended to indicate a heading of

26 the agencies listed on this page?

27 A. Correct.

28 So the alliance is the name we gave to

155

1 describe when all the coalitions came together. And

2 so there are eight agencies that represent the

3 alliance, and each of them had responsibility,

4 coalition responsibility.

02:50:02 5 Q. Okay. And those agencies are listed under

6 the heading "Name of Agency or Group Represented by

7 Coalition Member"?

8 A. Correct.

9 Q. And then moving over to the table, there is

02:50:18 10 a heading entitled Constituency Representation.

11 Could you -- I know it's hard to read, but

12 could you please read the choices that you can check

13 for constituency representation of these agencies?

14 A. To check off whether or not an agency can

02:50:42 15 best be described as Local Lead Agency; TCS grantee;

16 whether they represented Voluntary Health

17 Organizations; worksite/employer; media related;

18 Community Member; Law Enforcement or Health Care

19 Professional.

02:50:58 20 Q. And then it looks like the next column is
21 for "Other," and I suppose meaning other
22 constituency representations, is that correct?

23 A. Correct.

24 Q. And what are those choices added on there?

02:51:10 25 A. We added Youth Organization; Women's
26 Organization, Faith Organization, Community
27 Organization or Government Agency.

28 Q. Okay. And the next column is entitled

156

1 Ethnicity/Race.

2 Would you please read for me the choices
3 from which you would check that category.

4 A. African American; Hispanic/Latino;
02:51:38 5 Asian/Pacific Islander; American Indian; Caucasian.

6 And under Other, we added Multi-Ethnic, if
7 an agency had a multi-ethnic focus.

8 Q. Meaning a foreign one?

9 A. Correct.

02:51:52 10 Q. Okay. Turning to the next page of this
11 coalition membership form, in the upper left-hand
12 corner, what is the coalition described on this
13 page?

14 A. The African American Tobacco Control
02:52:06 15 Coalition.

16 Q. How many agencies are comprised in the

17 African American Tobacco Control Coalition?

18 A. 33.

19 Q. And then after the African American Tobacco

02:52:30 20 Control Coalition, what is the next coalition that

21 is listed here?

22 A. Asian and Pacific Islander Tobacco Control

23 Coalition.

24 Q. How many agencies are comprised in that

02:52:40 25 coalition?

26 A. 25.

27 Q. And after the Asian and Pacific Tobacco

28 Control Coalition, what's the next one?

157

1 A. Gay/Lesbian/Bisexual/Transgender Tobacco

2 Control Coalition.

3 Q. Transgender?

4 A. Transgender.

02:53:04 5 Q. Okay. How many agencies are involved in

6 that coalition?

7 A. Six.

8 Q. Okay. Next is, the next coalition?

9 A. Latino Tobacco Control Coalition.

02:53:18 10 Q. And that one appears to have quite a few.

11 If you wouldn't mind taking the time to

12 count them, I would appreciate it.

13 A. Like 43.

14 Q. 43 agencies, 43 agencies that are included

02:53:36 15 in the Latino Tobacco Control Coalition?

16 A. Correct.

17 Q. Okay. The next coalition represented?

18 A. Women's Tobacco Control Coalition.

19 Q. How many agencies are involved there? How

02:53:54 20 many agencies involved there?

21 A. Like 39.

22 Q. Let me back up and ask you:

23 Can any agency be involved in more than one

24 coalition?

02:54:02 25 A. Yes.

26 Q. Was that often the case? Or is it hard to

27 think?

28 A. Yes.

158

1 Q. After the Women's Coalition, what is the

2 next one?

3 A. The Youth Tobacco Control Coalition.

4 Q. How many agencies are involved in this one?

02:54:24 5 A. 36.

6 Q. Thank you.

7 Turning to the next two pages of the

8 progress report, which are Bates ending 18988 to

9 18989, would you please take a look at those two

02:54:46 10 pages.

11 And describe for me what this component of

12 the progress report is.

13 A. It's a description of the coalition

14 meetings and accomplishments made by the coalitions.

02:55:10 15 Q. And looking at item four on 18988,

16 Coalition Action/Accomplishments, what is listed in

17 general? What sort of things are listed under that

18 heading?

19 A. Community forums that conduct work

02:55:30 20 coalitions and helping to develop advertising

21 campaigns and grants given out to the community

22 education newsletters that were done.

23 Q. So it's just sort of a very brief summary

24 of all of the activities.

02:55:50 25 Would you describe for me --

26 Well, looking at the second bullet point

27 under item 4) --

28 A. Yes.

159

1 Q. -- that's describing the movie trailers

2 that we have earlier looked at?

3 A. Yes.

4 Q. It states that:

02:56:06 5 "The trailers aired in over 40

6 theaters from November 1997 through

7 June 1998."

8 Is that a correct statement?

9 A. Yes.

02:56:22 10 Q. Okay. And looking at the next page,

11 Attachment I, Bates numbers ending 18990, would you

12 describe for me what this form is?

13 A. The state wanted to know major challenges
14 and barriers that we encountered during the report
02:56:38 15 period.

16 Q. And the purpose of this form is to describe
17 those to the state?

18 A. Yes.

19 Q. Okay.

02:57:06 20 Okay. The next component of the progress
21 report appears to be a large one. It's a document
22 entitled Scope of Work/Workplan Activities Form. It
23 begins at Bates DHS0019001. And the page numbering
24 of the document itself says one of 73.

02:57:30 25 A. Yes.

26 Q. Would you please describe for me this
27 somewhat substantive component of the progress
28 report, generally?

160

1 A. The same objectives that were in the
2 contract between the county and the state. And then
3 under each objective, it lists the progress we have
4 made in achieving the objective.

02:57:56 5 Q. Okay. So, for example, under the first
6 column of this table entitled Objectives and Program
7 Activities Progress is the format then to first list
8 the objective which has always been there from the
9 start, and then list under the subheading progress
02:58:18 10 the activities taken to meet the objectives?

11 A. Yes.

12 Q. That's the first column.

13 Could you please briefly go through the
14 rest of the columns and the information contained

02:58:28 15 under those columns?

16 A. The second column is entitled Tracking
17 Measures Scope of Work or the Work Plans, the things
18 that the state and county used to track and show
19 that the objective is met.

02:58:48 20 And the next column, Documentation, the
21 attachment number that identifies whether or not
22 what documentation we used to show that we met the
23 objective and whether there is something related to
24 the attachment in the package.

02:59:04 25 Third is the expected completion date that
26 we would put into the Scope of Work or the contract
27 between the state and county.

28 The next column is the actual completion

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1 date.

2 And then the last column was for the
3 state's use as to whether or not they agreed with
4 our documentation.

02:59:20 5 Q. Okay.

6 And then going back to the first column,
7 which seems to have the most information in it, I
8 notice that it has in bold print what appears to be
9 the objective?

02:59:32 10 A. Yes.

11 Q. And then it says:

12 "Priority: All."

13 What does that mean?

14 A. That this first objective related to all

02:59:46 15 three of the California's programs priority areas as

16 to having the coalitions have impact on the

17 objectives that were produced related to ETS.

18 Q. That would be countering pro tobacco and

19 reducing youth access?

02:59:56 20 A. Yes.

21 Q. And then I noticed under that there is sort

22 of an indented subheading as well as an indented

23 paragraph of text.

24 Is that still describing the objective?

03:00:12 25 A. Yes.

26 Q. Okay. Okay.

27 Let's go to actually just the second page

28 of this Scope of Work.

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1 Shall we just call this component Scope of

2 Work?

3 A. Yes.

4 Q. The second page, which is two of 73 on its

03:00:36 5 page numbering, which appears under this, okay,

6 under the heading Progress, which describes what was

7 actually done, correct?

8 A. Yes.

9 Q. The second paragraph describes a web site,
03:00:52 10 smokingkills.org.

11 Are you familiar with this web site?

12 A. Yes.

13 Q. Who created this web site?

14 A. It represents the work of all of the
03:01:06 15 coalitions; so six coalitions.

16 Q. Okay. And the work, well, the
17 representatives of these coalitions came together in
18 the alliance?

19 A. Yes.

03:01:16 20 Q. Okay. So is it fair to say that the
21 alliance created the web site?

22 A. Yes.

23 Q. Okay. And could you describe for me the
24 web site.

03:01:32 25 A. The web site describes the alliance; it
26 describes the work of the coalition to target
27 audiences. There are examples of some of the work
28 we try to do.

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1 It announces when they have money available
2 through a competitive bid process to and to give the
3 facts and statistics about tobacco use.

4 Q. Do you know who the target audience for the
03:01:56 5 web site was or is?

6 A. I don't remember if there was a stated

7 target audience or not.

8 Q. Do you have an understanding of who the

9 target audience for the web site is?

03:02:12 10 A. Yes.

11 Q. What is your understanding?

12 A. It was for the public; it was for health

13 professionals; it was for other community-based

14 organizations who want to get connected to this

03:02:30 15 alliance.

16 Q. Okay. Is the web site interactive in any
17 way?

18 A. No.

19 Q. Would you please turn to page 17 of 73 of

03:03:34 20 the Scope of Work, which is Bates ending 19007.

21 And would you please read for me the

22 objective listed up at the top there.

23 A. "By June 30, 1998, there will be

24 a 40 percent increase in 100 percent

03:03:56 25 work site compliance with AB 13, and

26 a 20 percent decrease in AB 13

27 complaints from employees and patrons."

28 Q. And this objective is in what priority

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1 area?

2 A. ETS.

3 Q. Page 23 of 73.

4 Under Roman numeral III, is that a similar

03:04:34 5 objective to the one you just read?

6 A. Yes.

7 Q. Which is increasing support for AB 13?

8 A. Yes.

9 Q. In the ETS priority area?

03:04:42 10 A. Yes.

11 Q. Okay.

12 And page 30 of 73 Bates ending 19021.

13 Would you please read for me that

14 objective.

03:05:10 15 A. "June 30, 1998, there would be a 15

16 percent compliance with AB 13 bar

17 provisions (if they remain the same).

18 If provisions are relaxed, there will be

19 25 bars/clubs with smoke-free nights.

03:05:22 20 The latter will provide ETS protection

21 to approximately 20,000 individuals."

22 Q. And the priority area?

23 A. ETS.

24 Q. And listed under the heading, the

03:05:36 25 subheading Progress are the activities taken in

26 furtherance of this objective?

27 A. Yes.

28 Q. And, actually, with the other objectives we

1 just read under Roman numeral III and II, they also

2 had the subheading Progress and the activities taken

3 pursuant to those objectives?

4 A. Yes.

03:06:08 5 Q. Okay. Okay.

6 If you will please turn to page 32 of 73,

7 and if you will please -- let's see. This is still

8 under the one that you read earlier, the Roman

9 numeral for the objective.

03:06:42 10 Would you please read for me at the bottom

11 under subheading Progress beginning with Rogers &

12 Associates?

13 A. "Rogers & Associates supported

14 Alliance and coalition activities to

03:06:54 15 promote Smoke-Free Bars. Activities

16 included a county-wide survey of bar

17 owners, press conferences, responding

18 to media inquiries, distribution of

19 informational materials to the media,

03:07:04 20 a public opinion survey, design and

21 distribution of a brochure targeting

22 bar owners, distribution of news

23 releases and assisting in the

24 development of enforcement procedures."

03:07:14 25 Q. Okay. Thank you.

26 And if you will please turn to page 35 of

27 73 of the Scope of Work.

28 And under Roman numeral V, will you please

2 A. "By June 30, 1998, there will be a
3 50 percent decrease in ETS exposure
4 among general population."
03:07:42 5 Q. And, obviously, that's a priority area --
6 A. Yes.
7 Q. -- of ETS.
8 And listed underneath there, under the
9 subheading Progress, are some of the activities
03:07:54 10 taken to promote that objective?
11 A. Yes.
12 Q. Let's skip ahead to Attachment 1, which
13 begins at Bates number ending 19061, page one of 21.
14 Would you please, when you have a moment,
03:09:20 15 after you have had a moment to look at it, explain
16 to me what this component of the progress report
17 is.
18 A. It is a list and description of all the
19 consultants and subcontractors during this report
03:09:32 20 period.
21 Q. Okay. Now we earlier saw a form that had
22 the agencies and subcontractors listed.
23 How is this attachment different from that
24 form?
03:09:52 25 A. Here the actual addresses are provided and
26 more of a description of what work they completed.
27 Q. Okay. And the first column gives the name
28 and address of the subcontractors; the second column

1 is type.

2 And that, as before, is that either

3 contractor or subcontractor?

4 A. In this case it's either consultant or

03:10:26 5 subcontractor.

6 Q. Consulting or subcontractor.

7 And there is a column for Project

8 Description, correct?

9 A. Yes.

03:10:40 10 Q. The start and ending date of this would be

11 the starting and ending date of the contract?

12 A. Of the contract?

13 Q. Yes.

14 A. For the agreement.

03:10:44 15 Q. For the agreement.

16 And then the contract amount?

17 A. Yes.

18 Q. And that is the amount of the funds

19 available for that contract?

03:10:54 20 A. Maximum obligation listed in the contract.

21 Q. Okay.

22 And then the last column, which doesn't

23 appear to have any information in it.

24 Can you tell me what the last column is?

03:11:08 25 A. This is information for us to report the

26 actual expenses during the period, but it was only

27 to be used for the cost report.

28 Don't know.

1 Q. Okay. If you turn to page two of this
2 tracking form which, unfortunately, part of it is
3 cut off on the left, but I am actually looking at
4 the middle column under the Project Description.

03:11:34 5 A. Yes.

6 Q. And in bold printing under Category 3 or
7 Category 4, what do those categories refer to in
8 those columns?

9 A. In the request for proposals and
03:11:48 10 competitive grant process that was done during this
11 period, the county had different categories of
12 services. And that's what this represents.

13 Q. Do those categories relate to the priority
14 program priority area?

03:12:06 15 A. You could have had a priority area that
16 fell into all the categories; for example, the
17 category for Fostering Tobacco-Free Communities,
18 they describe what the agency does, and then in
19 Category 4, they could have been conducting
03:12:20 20 activities among any of the three priority areas.

21 Q. I see.

22 I see under sub Category 3:
23 "Early Intervention for Children
24 and Teens."

03:12:28 25 Agency in that category similarly could be
26 conducting activities in any or all of the three
27 priority areas?

28 A. Correct.

1 Q. Okay. Thanks.

2 So is it your understanding that some of

3 these agencies focused on the ETS priority area?

4 A. Yes.

03:12:58 5 Q. For example, on page nine of 21, at the

6 bottom, the Girls Club of Los Angeles?

7 A. Yes.

8 Q. Part of the description of the services

9 provided at the end says agency to focus on ETS --

03:13:16 10 A. Yes.

11 Q. -- and preventing youth access to tobacco

12 products?

13 A. Yes.

14 Q. Okay. We could go to the next document,

03:13:52 15 which begins at DHS00019080. And it's a document

16 entitled 1997 - '98 Tobacco Control Alliance - Lead

17 Agencies?

18 A. Yes.

19 Q. Is this just simply a listing of the lead

03:14:10 20 agencies for the major coalitions?

21 A. Correct.

22 Q. Okay.

23 The next page, entitled Media/Public

24 Relations Contractors, this is simply information

03:14:20 25 that you provided to the state about the firms that

26 you contracted with for media and public relations?

27 A. Correct, yes.

28 Q. And included in this are Asher/Gould and

1 Carol H. Williams, correct?

2 A. Yes.

3 Q. As well as we have talked about, well, we
4 also talked about KCET?

03:14:38 5 A. Yes.

6 Q. And Durazo Communications?

7 A. Yes.

8 Q. And Rogers & Associates?

9 A. Correct.

03:14:46 10 Q. In fact, we mentioned Lynne Doll, and she
11 is listed here as executive director/contact person?

12 A. For Rogers & Associates.

13 Q. Yes, for Rogers.

14 Okay. The next component is a document

03:15:04 15 entitled Tobacco Control Community Contracts. And
16 this begins at Bates ending 19082 and it appears to
17 end at 19088.

18 Would you please tell me, briefly, what
19 this component of the progress report is?

03:15:24 20 A. This is a listing of all of the agencies
21 that we contracted with to do tobacco control
22 activities that were not in a coalition and not a
23 part of the media/public relations effort.

24 Q. Okay. Would these be CBOs?

03:15:44 25 Are these CBOs?

26 A. Correct.

27 Q. Okay. I see.

28 And, for example, I am on one, two, three,

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1 the fourth page of this component, which is Bates
2 19085, right at the top, it says the Economic and
3 Employment Development Center as one of the CBOs,
4 correct?

03:16:24 5 A. Correct.

6 Q. And that's a file we went through earlier
7 today?

8 A. Correct.

9 Q. And listed, this component is in a table
03:16:38 10 format, correct?

11 A. Yes.

12 Q. And the very last column of this table is
13 entitled Service.

14 Would you please describe for me what
03:16:52 15 information is included under the heading Service.

16 A. It describes a very broad description of
17 what type of education they were doing.
18 Essentially, it could have been have doing community
19 education, bars, business or merchant.

03:17:12 20 Q. Okay.

21 MS. MARTIN: Off the record a second.

22 (Discussion off the record.)

23 MS. MARTIN: Back on the record.

24 BY MS. MARTIN:

03:17:46 25 Q. Let's look at the next page; it says

26 Attachment 23 in the upper right-hand corner.

27 Would you please describe for me what this
28 document is, which appears to be, well, several

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1 pages long.

2 A. This was a form that was developed so that
3 the coalition could evaluate the effectiveness of
4 the coalitions, an evaluation form.

03:18:22 5 Q. And it's entitled Consortium Process
6 Evaluation?

7 A. Yes.

8 Q. Now "consortium" is not a word we have used
9 much today.

03:18:28 10 What does this word refer to?

11 A. Same thing as coalition.

12 Q. Okay. This form is a form that was
13 developed, but it doesn't appear to be actually
14 filled out.

03:18:42 15 A. Well, it is an attachment to the Scope of
16 Work. So it's describing, this is showing the state
17 the form that we used for evaluating the coalitions.

18 Q. Okay. And did each coalition fill out this
19 evaluation form?

03:19:02 20 A. Not prior to me leaving. We may have after
21 I left.

22 Q. Okay. But it was developed for the
23 coalition?

24 A. Yes.

03:19:08 25 Q. The seven or so coalitions?
26 A. Correct.
27 Q. Okay. Let's move to Attachment 24,
28 beginning at Bates ending 19099, which is a two-page

173

1 document.

2 Just very briefly, what is this document?

3 A. It looks like it's an attachment to some
4 reference in the work plan. And it's describing the

03:19:38 5 work of the Health and Faith Project.

6 Q. Okay. And that's the -- we talked about
7 the Health and Faith Project earlier today?

8 A. Yes.

9 Q. Let me just skip over something here.

03:20:06 10 Okay. If you will please turn to
11 Attachment 25, which is Bates number 19111.

12 And just take a moment to review that.

13 And explain to me what this attachment is.

14 A. The coalitions contractors, each coalition

03:20:34 15 is to use the competitive bid process to find
16 community agencies that could do community
17 education.

18 And this is the Request for Proposal, the
19 RFP for Women's Coalition.

03:20:46 20 Q. Okay. And just looking at the very first
21 paragraph, it describes that:

22 "All objectives proposed to and by

23 potential applicants must fall under
24 one of the three State and County
03:20:58 25 priority areas."
26 And those are listed, the three priority
27 areas we have mentioned throughout today, including
28 reducing environmental tobacco smoke?

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1 A. Correct.
2 Q. Is it fair to say that, basically, the rest
3 of this report are attachments for the scope of work
4 plan?

03:21:48 5 A. Correct.
6 Q. That would be, the proper description of
7 the formats of the progress report is the
8 attachments at the end?

9 A. Yes.
03:21:58 10 Q. And these attachments are, basically,
11 backup documentation for the work described in the
12 work plan?

13 A. Backup documentation to the narrative in
14 the progress report.

03:22:10 15 Q. Thank you.
16 If you would, please turn to Bates
17 DHS00019165, Attachment 7 A. And at the top it says
18 Carol H. Williams Advertising.

19 Okay, what is this document, please?
03:22:42 20 A. This is a description of a radio ad,
21 60-second radio ad, produced by Carol H. Williams

22 Advertising for us, related to secondhand smoke.

23 Q. Okay. And you can tell that it's related

24 to secondhand smoke, among other things, by looking

03:23:08 25 at the text of the announcer. And there is a

26 sentence there:

27 "We know secondhand smoke causes

28 a lot of health problems, too."

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1 Correct?

2 A. Yes.

3 Q. And I notice that the narration includes

4 music types.

03:23:20 5 Could you just read into the record the

6 three music types listed.

7 A. Hip Hop; Grunge Rock and Acid Jazz.

8 Q. Okay. And the text says:

9 "Living in Los Angeles...

03:23:34 10 we have different vibes...

11 different trips...

12 and different grooves."

13 And interspersed in this text is these

14 three types of music --

03:23:42 15 A. Yes.

16 Q. -- correct?

17 And what's your understanding of what is

18 the purpose of having these different types of

19 music?

03:23:54 20 A. This emphasizes the diversity in Los
21 Angeles, and we want to dictate the point that, when
22 it comes to secondhand smoke, there isn't a lot of
23 difference among the communities, and secondhand
24 smoke in bars affects everyone.

03:24:10 25 Q. Okay. The next page appears to be another
26 radio spot created by Carol H. Williams Advertising?

27 A. Correct.

28 Q. And is this spot also related to, among

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1 other things, health risks associated with
2 secondhand smoke?

3 A. Correct.

4 Q. If you will, please turn to Attachment 9

03:24:48 5 which begins at the Bates number 19173.

6 Okay. And I believe this attachment is,
7 well, it's a few pages, actually.

8 Will you please describe for me what
9 Attachment 9 is, when you have had a moment to look

03:25:16 10 at it.

11 A. It's each of our contractors in each of the
12 four areas, that the RFP had to submit to us an
13 action plan prior to beginning activities. And this
14 is an action plan for the Boys & Girls Club of

03:25:44 15 Pomona Valley.

16 Q. And looking at the action plan, what is the
17 target audience of this contractor?

18 A. Children and teens.

19 Q. And looking at this action plan, which
03:26:10 20 Bates 19174 is the page I am looking at, would you
21 describe for me what's listed as, or can you read
22 for me what's listed as the project goal under
23 number four?

24 A. "To provide information to the
03:26:20 25 community regarding risks of ETS.
26 The provision of the resources will
27 result in behavioral change in relation
28 to smoking cessation and reducing

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1 exposure of EST. 80 percent of
2 participants will score at least 90
3 percent post test."

4 MS. MARTIN: We can go off the record.
03:34:10 5 (Recess taken.)

6 MS. MARTIN: Go back on the record.

7 BY MS. MARTIN:

8 Q. The progress report we just went through,
9 that was a comprehensive report?

03:34:16 10 A. Yes.

11 Q. And that report was created in the regular
12 course of business?

13 A. Yes.

14 Q. What I would like to do is just go through
03:34:30 15 a number of other progress reports that we have, and
16 just have you take a look at them, and verify what

17 they are.

18 A. Okay.

19 Q. We will not go through them. Okay.

03:34:50 20 So if we can, please mark as the exhibit
21 next in order 643.

22 (Deposition Exhibit No. 643 was marked
23 for identification and is bound separately.)
24 BY MS. MARTIN:

03:34:58 25 Q. Do you recognize Exhibit 643 as the
26 Progress Report and Cover Letter for the Progress
27 Report for the period of July 1, 1994 through
28 December 31, 1994?

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1 A. Yes.

2 Q. And it this Progress Report created in the
3 regular course of business?

4 A. Yes.

03:35:24 5 Q. And was it created at or about the date on
6 which you signed it on the cover sheet?

7 A. Yes.

8 Q. Okay.

9 MS. MARTIN: Would you please mark as
03:35:58 10 Exhibit 644.

11 (Deposition Exhibit No. 644 was marked
12 for identification and is bound separately.)

13 BY MS. MARTIN:

14 Q. Would you please tell me what Exhibit 644
03:36:00 15 is?

16 A. This is a Progress Report for the period
17 January 1, 1995 through June 30 of 1995.

18 Q. And did you prepare this Progress Report in
19 the regular course of business?

03:36:14 20 A. Yes.

21 Q. And did you prepare it at or about the date
22 on which you signed it?

23 A. Yes.

24 MS. MARTIN: We will mark as the exhibit
03:36:46 25 next in order 645.

26 (Deposition Exhibit No. 645 was marked
27 for identification and is bound separately.)

28 BY MS. MARTIN:

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1 Q. Would you please tell me what Exhibit 645
2 is.

3 A. It's the Progress Report for the period of
4 June 1, 1995 to December 1995.

03:37:18 5 Q. Okay. Was this report created in the
6 regular course of business?

7 A. Yes, it was.

8 Q. And did you create it on or about the date
9 that you signed it?

03:37:26 10 A. Yes.

11 MS. MARTIN: Next in order.

12 (Deposition Exhibit No. 646 was marked
13 for identification and is bound separately.)

14 BY MS. MARTIN:

03:38:04 15 Q. Would you please take a look at Exhibit
16 646, and tell me what it is.

17 A. This is the Final Comprehensive Report
18 covering the period from 1994 to 1996.

19 Q. And was this Final Comprehensive Report
03:38:22 20 prepared in the regular course of business?

21 A. Yes, it was.

22 Q. And was it prepared on or about the date
23 that you signed it?

24 A. Yes.

03:38:54 25 MS. MARTIN: Next in order, please.

26 (Deposition Exhibit No. 647 was marked
27 for identification and is bound separately.)

28 BY MS. MARTIN:

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1 Q. Would you please take a look at Exhibit
2 647, and tell me what it is.

3 A. It's the Progress Report covering the
4 period of January 1997 through June 1997.

03:39:06 5 Q. And on the cover sheet, that's your
6 signature at the bottom?

7 A. Yes, it is.

8 Q. And was this created in the regular course
9 of business?

03:39:12 10 A. Yes.

11 Q. And did you create it on or about the date
12 that you signed it?

13 A. Yes.

14 MS. MARTIN: Next in order, please.

15 (Deposition Exhibit No. 648 was marked
16 for identification and is bound separately.)

17 BY MS. MARTIN:

18 Q. Please tell me what Exhibit 648 is.

19 A. Progress Report covering the period of
03:39:56 20 July, 1997 through December 1997.

21 Q. And was this report created in the regular
22 course of business?

23 A. Yes.

24 Q. And was it created on or about the date
03:40:12 25 that you signed it?

26 A. Yes.

27 MS. MARTIN: Next in order.

28 (Deposition Exhibit No. 649 was marked

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1 for identification and is bound separately.)

2 BY MS. MARTIN:

3 Q. And please describe for me Exhibit 649.

4 A. Progress Report for the period July '98
03:40:44 5 through December 1998.

6 Q. And was this created in the regular course
7 of business?

8 A. Yes.

9 Q. And was it created on or about the date
03:40:56 10 that it was signed by the Project Director?

11 A. Yes.
12 Q. All right.
13 MS. MARTIN: All right. One more.
14 (Deposition Exhibit No. 650 was marked
03:41:34 15 for identification and is bound separately.)
16 BY MS. MARTIN:
17 Q. Would you please take a look at Exhibit
18 650.
19 And, when you are ready, tell me what it
03:41:40 20 is.
21 A. Progress Report that was submitted by the
22 program for the period covering January through June
23 1999.
24 Q. Okay. And was this Progress Report created
03:41:52 25 in the regular course of business?
26 A. Yes.
27 Q. And was it created on or about the date
28 that it was signed by the Project Director?

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1 A. Yes.
2 Q. Okay. Could you tell me:
3 Are you familiar with the Tobacco Education
4 and Research Oversight Committee?
03:42:38 5 A. Yes.
6 Q. What is that committee?
7 A. It's a state committee whose members are
8 appointed by the Governor. And by law, they have
9 oversight over the entire state's Tobacco Control

10 Program.

11 Q. And what do they do?

12 A. They regularly hear reports from the state
13 staff and from contractors periodically. They don't
14 approve projects that are done in the state, but

03:43:08 15 they are an advisory committee.

16 Q. Did you report to the --

17 Is there an acronym for them?

18 A. TEROC.

19 Q. Did you report to TEROC?

03:43:22 20 A. I attended a couple of meetings and made
21 presentations once or twice. But we didn't have a
22 direct reporting relationship, no.

23 Q. Are you familiar with their publication
24 that they occasionally put out summarizing their

03:43:38 25 findings about the Tobacco Control Program?

26 A. Yes.

27 Q. Okay. Are you, is it your understanding
28 that those publications are known as Master Plans?

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1 A. Yes.

2 MS. MARTIN: The last exhibit.

3 (Deposition Exhibit No. 651 was marked
4 for identification and is bound separately.)

5 BY MS. MARTIN:

6 Q. It's not a great copy, but if you can take
7 a look at it.

8 Tell me if you recognize this document as
9 the TEROC Master Plan or one of the TEROC master
03:44:14 10 plans?
11 A. Yes.
12 Q. What is your understanding of what is in
13 the master plan?
14 A. By law, the TEROC is supposed to develop
03:44:40 15 plans that the State Department of Health Services,
16 the State Department of Health Services use to guide
17 its activities of its contracts, but with local
18 community-based organizations and also gives the
19 progress of its task efforts.
03:45:00 20 Q. Well, let's look at page two of the Master
21 Plan, which is Bates numbers ending 764, entitled
22 Executive Summary.
23 A. Yes.
24 Q. Would you please just read into the record
03:45:12 25 the very first paragraph of the Executive Summary.
26 A. "This Master Plan presents evidence
27 of California's progress toward meeting
28 the Legislature's long-term goal for the

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1 Tobacco Control Program, highlights
2 programmatic accomplishments since 1993,
3 and specifies the objectives and
4 activities to be undertaken between 1995
03:45:30 5 and 1997."
6 Q. Okay. And thank you.

7 Immediately after that paragraph is a
8 section entitled Accomplishments with text
9 describing accomplishments as reported by TEROC,
03:45:46 10 correct?
11 A. Correct.
12 Q. And there are a number of diamond-shaped
13 bullet points under accomplishments on that page?
14 A. Yes.
03:46:04 15 Q. And would you please read for me the bullet
16 point which is at the very bottom of the second
17 column.
18 A. "Eighty percent of California children
19 younger than 17 years were protected from
03:46:18 20 environmental tobacco smoke in the home in
21 1993."
22 Q. Okay. I thank you.
23 Would you please turn to the page, well,
24 it's Bates number DHS000776. And I want to make
03:47:20 25 sure you have got it.
26 Okay. In the first column, the second full
27 paragraph, states:
28 "Recognizing that the use of multiple

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1 channels and multiple interventions
2 increases the impact of tobacco prevention
3 and control, California's tobacco control
4 model requires that local programs..."

03:47:44 5 And let me stop right there.

6 Local programs includes, for example, your

7 department?

8 A. Yes.

9 Q. Okay. It requires that local programs,

03:47:56 10 one, "collaborate and coordinate program activities

11 at various program levels."

12 Did your program meet that requirement?

13 A. Yes.

14 Q. Second:

03:48:06 15 "Use consensus-building approaches in

16 planning services."

17 Did the activities in your program meet

18 that requirement?

19 A. Yes.

03:48:16 20 Q. Third:

21 "Mobilize schools and communities."

22 Did the activities in your, or in the

23 Tobacco Control Program of the L.A. County

24 Department of Health Services meet the requirement

03:48:32 25 to mobilize schools and communities?

26 A. Yes.

27 Q. Fourth:

28 "Target multiple populations."

1 Did your program meet that requirement?

2 A. Yes.

3 Q. Next:

4 "Target multiple aspects contributing
03:48:50 5 to tobacco use such as individual, social
6 and environmental factors."
7 First of all, what's your understanding of
8 that requirement?
9 A. That the interventions that we conducted,
03:49:06 10 some of them were focused on the reasons why
11 individuals take up tobacco smoking, while others
12 looked at social reasons why they did it, and others
13 were trained to focus on environmental factors.
14 Q. Okay. And did your program meet that
03:49:20 15 requirement?
16 A. Yes.
17 Q. Next:
18 "Use multiple channels of access to
19 target populations."
03:49:32 20 Did your program meet that requirement?
21 A. Yes.
22 Q. And finally:
23 "Use evaluation information to the
24 degree that national and state data are
03:49:40 25 available."
26 And we talked earlier about your program
27 contributing information regarding evaluation?
28 A. Yes.

1 Q. Would you please turn to page eight, which

2 is DHS000779. And this is entitled: Tobacco
3 Control Program: Making Vision a Reality.
4 And the first column about halfway down, it
03:50:18 5 states:

6 "The target groups for the Tobacco Control
7 Program are:"

8 Would you please read for me the target
9 groups listed there.

03:50:30 10 A. School age youth; ethnic minority groups,
11 including African American, Latinos, American
12 Indians and Asian/Pacific Islander Americans; young
13 adults and low-income individuals; pregnant women
14 and women of child-bearing age; current smokers;
03:50:50 15 community opinion leaders, and cities.

16 Q. Did your program, that is the Tobacco
17 Control Program of the Los Angeles County Department
18 of Health Services, reach these target groups?

19 A. Yes.

03:51:38 20 MS. MARTIN: I think we better stop for
21 today.

22 (WHEREUPON, AT 3:51 P.M., THE
23 DEPOSITION OF INGRID LAMIRAULT WAS
24 ADJOURNED.)

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DECLARATION

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I hereby declare I am the deponent in the
within matter; that I have read the foregoing
deposition and know the contents thereof, and I
declare that the same is true of my knowledge except
as to the matters which are therein stated upon my
information or belief, and as to those matters, I
believe it to be true.

I declare under the penalties of perjury of
the State of California that the foregoing is true
and correct.

Executed on the _____ day of
_____, 2000, at
_____, California.

W I T N E S S

1 STATE OF CALIFORNIA)

2 ss:

3 COUNTY OF LOS ANGELES)

4

5 I, DONNIE A. STICKLEY, C.S.R. No. 9510, do

6 hereby certify:

7 That the foregoing deposition was taken before
8 me at the time and place therein set forth, at which
9 time the witness was put under oath by me;

10 That the testimony of the witness and all
11 objections made at the time of the examination were
12 recorded stenographically by me, were thereafter
13 transcribed under my direction and supervision and
14 that the foregoing is a true record of same.

15 I further certify that I am neither counsel for
16 nor related to any party to said action, nor in any
17 way interested in the outcome thereof.

18 IN WITNESS WHEREOF, I have subscribed my name
19 this day of , 2000.

20

21

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23 _____
DONNIE A. STICKLEY, C.S.R. No. 9510

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